

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

**APPLICATION NO. A/SK-TMT/72**

**Applicant:** Energizing Sai Kung Research Society

**Site:** Former Sui Ying School, Tai Wan, Sai Kung, New Territories

**Site Area:** 1,987m<sup>2</sup> (about)

**Land Status:** Government Land in D.D. 216

**Plan:** Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP)  
No. S/SK-TMT/4 and Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11

**Zoning:** “Conservation Area” (“CA”)

**Application:** Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm  
and Studio for Recycling Crafts) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm and studio for recycling crafts) for a period of 3 years at the application site (the Site). The Site (**Plans A-1 and A-2**) falls within an area zoned “CA” on the approved Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/4 and Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11. According to the Notes of the OZPs, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site, former Sui Ying School<sup>1</sup>, is currently vacant. The applicant proposes to use the existing structure (about 70m<sup>2</sup> and about 4m in height)<sup>2</sup> for setting up workshops for making crafts, homemade soap/detergent, and larger products such as furniture out of natural resources and recycled materials upon installing machineries at later stage. The open area in the southern part of the Site is proposed for setting up a community food garden (about 50m<sup>2</sup>) for growing potted plants, such as herbs, tomato and pepper. In addition, two temporary

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<sup>1</sup> The former Sui Ying School is a vacant school premises site.

<sup>2</sup> The existing single-storey structure is measured about 125m<sup>2</sup>.

marquees (about 3m in height) will be set up to provide some covered area (**Drawing A-2**). The proposed operating hours are from 5 p.m. to 10 p.m. on weekdays, and from 9 a.m. to 7 p.m. on weekends and public holidays.

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

- (a) Application Form with attachments dated 25.5.2021 (**Appendix I**)
- (b) Further Information (FI) dated 28.6.2021 (accepted and exempted from publication requirement) (**Appendix Ia**)

## **2. Justifications from the Applicant**

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

- (a) the applicant is a non-profit making society<sup>3</sup> registered under the Societies Ordinance in Hong Kong and was found in 2019. The objective of the proposal is to educate the community the importance of food and reduce wastage to save the environment. It also aims to induce the culture of sharing in the neighborhood;
- (b) it is anticipated that the proposal can be brought into operation within one year after taking up the Site. The proposed works include 1) removal of wild plants and making good the land for growing potted plants such as herbs, tomato and pepper; 2) conducting assessment on the structural safety of the existing building and carry out necessary renovation; and 3) arranging electricity connection for setting up workshops for making crafts from recycled materials such as homemade soap/detergent, and installing machineries for making larger products such as furniture out of natural resources and recycled materials at later stage; and
- (c) the proposed hobby farm will be opened only to members and reservation is required for attending any activities. The anticipated number of users/visitors will be 20 to 30 per session. Visitors are expected to travel to the Site by public transportation such as buses and mini-buses and then walk for 5 minutes from the nearest stop at Tai Wan.

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

As the Site involves government land only, the “owner’s consent/notification” 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) are not applicable.

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<sup>3</sup> There is no information in the submission indicating that the applicant is a charitable institution and trust of a public character, which is exempted from tax under section 88 of the Inland Revenue Ordinance.

#### **4. Background**

The Site, former Sui Ying School, is one of the vacant school premises (VSP) sites reviewed under the Central Clearing House Mechanism. School operation was ceased in 1987 and the Site was returned to Lands Department in 2015. The Site was covered in the Review of VSPs in 2016. At the time of assessment in 2016, in view that the Site is wholly government land and taking into consideration the existing environmentally sensitive zoning, site context and its remote location, it is considered suitable for rural uses (such as nature reserve, agricultural use, etc.) that can support conservation of the existing landscape and preserve the tranquil environment. The Site is available for application for greening or government/institution/community use on short-term basis.

#### **5. Previous Application**

There is no previous application at the Site.

#### **6. Similar Application**

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

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

7.1 The Site is:

- (a) heavily overgrown with trees and vegetation;
- (b) flat and formed at the southern portion with a single-storey structure and a ruin;
- (c) accessible via an access track about 300m from Tai Mong Tsai Road to its south; and
- (d) within upper indirect Water Gathering Ground (WGG).

7.2 The surrounding areas have the following characteristics:

- (a) surrounded by natural slopes and woodlands; and
- (b) to its further south and north are village houses of Tai Wan and Nam A.

#### **8. Planning Intention**

The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country

Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

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

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

### **Land Administration**

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

- (a) the Site is the former Sui Ying School at Tai Wan with a site area of about 1,987m<sup>2</sup>. It is currently vacant and available for application for greening or government/institution/community use (i.e. VGS No. DLOSK 161#). The Site is situated within the boundary of village environs of Tai Wan and WGG. Comments should be sought from Water Supplies Department (WSD) on the application;
- (b) it is noted that the applicant has submitted an application to his office for a direct grant Short Term Tenancy (STT) for the Site. If the subject application is approved by the Board, his office shall process the STT application according to the prevailing policy including seeking the necessary policy support to the application and consult other relevant departments/bureau. However, there is no guarantee that such application will be approved by the Government. Such application, if eventually approved, will be subject to such terms and conditions including payment of rent and an administrative fee as the Government considers appropriate at its discretion.

### **Traffic**

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

since there is insufficient information in the submission to demonstrate how the proposed operation and transportation mode (i.e. by prior reservation and by public transport) could be effectively implemented in order to avoid adverse traffic impact on the area, she has reservation on concluding that the application is acceptable from traffic engineering point of view.

### **Water Supply**

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

- (a) the proposed hobby farm and studio for recycling crafts fall within the WGG;
- (b) it is considered that the proposed studio for recycling crafts will pose high risks of contamination to the WGG due to its operation and maintenance, and discharge of industrial effluents from the craft processing. Therefore, the proposed use is objected; and
- (c) there are risks of contamination to the WGG due to the remaining proposed development for agricultural and recreational activities, and discharge of sewage and effluents from the on-site activities. In order to safeguard the raw water quality in WGG, the applicant shall provide a risk assessment report to prove and demonstrate to the satisfaction of the WSD that there is no material increase in pollution effect resulting from the remaining proposed development. Detailed requirements are at **Appendix II**.

### **Environment**

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

- (a) it is noted that the Site falls within an area zoned “CA” on the OZPs as well as upper indirect WGG;
- (b) no review nor assessment on the potential environmental impact from the proposal was provided. For example, the applicant should elaborate the activities associated with the use of machineries and its potential noise impact to nearby villagers, and review the generation of wastewater and sewage and their handling arrangement;
- (c) in view of the lack of supporting information to demonstrate environmental acceptability of the proposal, he is unable to support the application; and
- (d) applicant’s attention should be drawn to Item Q.1, Part 1, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO), which says *all projects including new access roads, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works partly or wholly in an existing or gazette proposed country park or special area, a conservation area* would constitute a Designated Project (DP) unless those under the exception list (a) to (j) of Item Q.1, and an environmental permit is required for the construction and operation of DP. Reference can be made to “A Guide to the EIAO” available on Environmental Protection Department’s

(EPD's)

website:

<https://www.epd.gov.hk/eia/english/guid/index1.html>.

### **Landscape**

#### 9.1.5 Comments of the Chief Town Planner / Urban Design and Landscape (CTP/UD&L):

- (a) according to the aerial photo of 2020 and the site photos taken on 8.6.2021, the Site, except the school building, is primarily a regenerated woodland covered by young tree groups of common countryside species. Large to medium sized trees of exotic species, including *Acacia confusa* (台灣相思), *Delonix regia* (鳳凰木) and *Eucalyptus robusta* (大葉桉) are mostly recorded at the eastern and southern portions of the Site. The Site is situated in an area of uplands and hillsides landscape character surrounded by natural slopes and woodlands with village houses further away. Although similar planning application is not observed within the same "CA" zone, the proposed development is considered not entirely incompatible with the landscape setting in the proximity;
- (b) with reference to the proposed layout plan and site inspection on 8.6.2021, it appears that the proposed development, including the proposed footpath, hobby farm and temporary marquees at the southern part of the site, is in conflict with some of the existing trees while the existing trees and vegetation in the northern part will not be disturbed. Since no information on existing trees and their proposed treatments is provided in the application, the potential landscape impact on the existing landscape resources could not be reasonably ascertained. Hence, she has reservation on the application from landscape planning perspective;
- (c) the applicant should provide additional information and clarifications on the existing trees, the proposed tree treatments and the proposed paving treatments within the Site to facilitate her consideration of the application; and
- (d) the applicant should note that approval of the section 16 application by the Board does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works.

### **Nature Conservation**

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

the Site is densely vegetated with trees. Besides, a roost of over 170 individuals of the Himalayan Leaf-nosed Bat (*Hipposideros armiger*)

was found inside the existing structure. There is insufficient information in the submission with regard to the vegetation loss and roosting bats. He has reservation on the application.

### **Drainage**

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

- (a) the Site is currently not covered by DSD public drainage networks. The application is not provided with any drainage details. On the condition that adequate stormwater drainage collection and disposal facilities will be provided in connection with the proposed development to deal with the surface runoff of the Site and the same flowing onto the Site without causing any adverse impacts or nuisance to the adjoining areas, he has no objection in-principle to the captioned application from drainage maintenance viewpoint; and
- (b) the Site is currently not covered by DSD public sewerage networks. The requirements related to sewage treatment/disposal are subject to the views of EPD.

### **Building Matters**

9.1.8 Comments of the Chief Building Surveyor/ Hong Kong West, Buildings Department (CBS/HKW, BD):

no objection under the Building Ordinance (BO) to the application subject to the following comments:

- (a) all existing building works erected on unleased government land do not come under the control of the BO, and are not unauthorized for the purpose of the BO;
- (b) before any new building works are carried out on leased land, prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). Authorized Person (AP) must be appointed to co-ordinate all new building works in accordance with the BO. However, the carrying out of minor works can follow the provisions laid down under the Minor Works Control System; and
- (c) for UBW erected on leased land, enforcement action may be taken by BA to effect the removal of the UBW in accordance with the policy for control of UBW in the future.

## **Fire Safety**

### 9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of the D of FS;
- (b) in consideration of the design/ nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department for approval. In addition, the applicant should also be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) however, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) District Officer (Sai Kung), Home Affairs Department;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (d) Director of Electrical & Mechanical Services

## **10. Public Comments Received During Statutory Publication Period**

On 1.6.2021, the application submitted by the applicant was published for public inspection. During the first three weeks of the statutory public inspection period, nine public comments were received (**Appendix III**). Eight commenters including Sai Kung Rural Committee, indigenous inhabitant representative and resident representative of Tai Wan, Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, and four individuals raise objection or concerns to the application mainly on the grounds that the proposed development is not in line with the planning intention of “CA” zone; approval of the application will set an undesirable precedent for future developments to encroach onto the “CA” zone; there will be potential environmental impacts including noise, sewerage, odour and hygiene issues arising from the proposed use; the proposed renovation works for the existing building will affect the environment of the conservation area; the proposed use will attract visitors and affect the tranquillity and security of the nearby villages; and priority should be given to villagers of Tai Wan Tsuen as activity areas. One individual supports the proposal



provided that there will be no negative impact on the local ecosystem.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm and studio for recycling crafts) for a period of 3 years. The Site is the former Sui Ying School which is a VSP site currently available for application for greening or government/institution/community use on short-term basis. The applicant proposes to use the existing structure (about 70m<sup>2</sup>) at the Site for setting up workshops for making crafts/products from recycling material such as homemade soap/detergent, and larger products such as furniture out of natural resources and recycled materials upon installing machineries at later stage. While the open area in the southern part of the Site is proposed for setting up a community food garden (about 50m<sup>2</sup>) for growing potted plants. The Site falls within an area zoned “CA” on the approved Tai Mong Tsai and Tsam Chuk Wan OZP and Pak Kong and Sha Kok Mei OZP. The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. The proposed hobby farm and studio for recycling crafts on a temporary basis is considered not entirely incompatible with the recommendation of the VSP sites review that the Site is suitable for rural uses.
- 11.2 The Site is situated in an area of uplands and hillsides landscape character surrounded by natural slopes and woodlands with village houses further away (**Plan A-2**). The Site, except the unused school building, is primarily a regenerated woodland covered by young tree groups of common countryside species. CTP/UD&L, PlanD considers that the proposed development is not entirely incompatible with the landscape setting in the proximity. However, it appears that the proposed development, including the proposed footpath, hobby farm and temporary marquees at the southern part of the Site, is in conflict with some of the existing trees. Since no information on existing trees and their proposed treatments is provided in the application, the potential landscape impact on the existing landscape resources could not be reasonably ascertained. She has reservation on the application from landscape planning perspective.
- 11.3 The Site falls within the upper indirect WGG. CE/C, WSD objects to the application as the proposed studio for recycling crafts will pose high risks of contamination to the WGG due to its operation and maintenance, and discharge of industrial effluents from the craft processing. There are also risks of contamination to the WGG due to the proposed development for agricultural and recreational activities, and discharge of sewage and effluent from the on-site activities. DEP also does not support the application due to the lack of supporting information to demonstrate the environmental acceptability of the proposal. There are no reviews nor assessments on the potential environmental impact from the proposal, such as the potential noise impact to nearby villagers

arising from activities associated with the use of machineries, and review on the generation of wastewater and sewage and their handling arrangement.

- 11.4 DAFC states that a roost of over 170 individuals of the Himalayan Leaf-nosed Bat (*Hipposideros armiger*) was found inside the existing structure at the Site. He has reservation on the application as there is insufficient information in the submission with regard to the vegetation loss and roosting bats.
- 11.5 The Site is accessible via an access track about 300m from Tai Mong Tsai Road to its south. According to the applicant (**Appendix Ia**), the proposed hobby farm will be opened to members only and reservation is required for attending any activities. Visitors are expected to travel to the Site by public transportation such as buses and mini-buses and walk for 5 minutes from the nearest stop at Tai Wan. However, C for T notes that there is insufficient information in the submission to demonstrate how the proposed operation and transportation mode could be effectively implemented in order to avoid adverse traffic impact on the area. She has reservation on concluding that the application is acceptable from traffic engineering point of view.
- 11.6 Regarding the public comments objecting to the application, the assessments in paragraphs 11.1 to 11.5 above are relevant. Regarding the comment that villagers of Tai Wan Tsuen should be given the priority to use the Site as activity areas, it should be noted that application for use of VSPs is processed in accordance with the established mechanism. The supporting public comment is noted.

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

- 12.1 Based on the assessment made in paragraph 11 and taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:

the applicant fails to demonstrate that the proposed development would not cause adverse impacts on environment, water quality, ecology, landscape and traffic in the surrounding areas.

- 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 3 years until **23.7.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 10 p.m. and 5 p.m. on weekdays and 7 p.m. and 9 a.m. on weekends and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of 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 **23.1.2022**;

- (c) in relation to (b) above, the implementation of 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 **23.4.2022**;
- (d) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by **23.1.2022**;
- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by **23.4.2022**;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if the above planning condition (b), (c), (d) or (e) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

#### Advisory Clauses

The recommended advisory clauses are attached 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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.

### **14. Attachments**

<b>Appendix I</b>	Application form dated 25.5.2021
<b>Appendix Ia</b>	FI dated 28.6.2021 providing responses to departmental comments
<b>Appendix II</b>	Detailed comments of CE/C, WSD
<b>Appendix III</b>	Public comments received during the statutory publication period
<b>Appendix IV</b>	Advisory clauses
<b>Drawing A-1</b>	Location Plan submitted by the applicant

<b>Drawing A-2</b>	Proposed Site Plan submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2021**