

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-TMT/75

<u>Applicant</u>	:	Graceful China Development Limited represented by Vision Planning Consultants Limited
<u>Site</u>	:	Various Lots in D.D. 216, West of Sai Sha Road, Long Keng, Sai Kung, New Territories
<u>Site Area</u>	:	About 19,484m ²
<u>Land Status</u>	:	Old Schedule Agricultural Lots held under Block Government Lease or Old New Grant Lots
<u>Plan</u>	:	Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4
<u>Zonings</u>	:	(i) “Green Belt” (“GB”) (about 84%) (ii) “Village Type Development” (“V”) (about 16%)
<u>Application</u>	:	Proposed Temporary Holiday Camp and Tent Camping Ground ¹ for a Period of Three Years and Associated Filling and Excavation of Land

1. The Proposal

1.1 The applicant seeks planning permission for proposed temporary holiday camp and tent camping ground for a period of three years and associated filling and excavation of land at the application site (the Site)². The Site falls within an area mainly zoned “GB” (about 84%) with a minor portion zoned “V” (about 16%) on the approved Tai Mong Tsai and Tsam Chuk Wan OZP No. S/SK-TMT/4 (the OZP) (**Plan A-1**). According to the Notes of the OZP, ‘Holiday Camp’ in “GB” and “V” zones, and filling and excavation of land within “GB” zone require permission from the Town Planning Board (the Board).

1.2 The Site is currently vacant mostly covered with trees and grass (**Plans A-4a to A-**

¹ According to the revised Definition of Terms used in Statutory Plans promulgated by the Town Planning Board on 11.1.2022, tent camping ground that is privately owned and/or commercially operated is regarded as ‘Holiday Camp’.

² The original proposal also included ‘Place of Recreation, Sports or Culture (Hobby Farm)’ use and several parcels of government land and two private lots adjoining the Site, which were omitted during the course of the application in response to departmental comments.

4c). It is fenced off on most sides except for the western boundary. It is accessible via a local access at its southeast leading to Tai Mong Tsai Road, and a footpath at its northeast connected to Sai Sha Road (**Plan A-1**). The proposed scheme comprises a designated camping zone, which provides 15 fixed standalone camping³ areas on raised platform (each of 6m x 6m) and a free camping zone with 20 camping bays (indicative). To facilitate the operation of these uses, ancillary facilities including three 1-storey structures for office, storage room, and refuse room, and one 2-storey toilet facility (the ground floor of which will be occupied by wastewater holding tanks only) are proposed at the Site. In addition, three portable toilets (including two for the disabled and one unisex toilet) will be provided at the Site. The master layout plan submitted by the applicant is shown on **Drawing A-1**. The key development parameters are tabulated below:

Site Area	About 19,484m ²
Total GFA	About 852.3m ² (includes four ancillary structures)
Plot Ratio	About 0.04
Site Coverage	About 4.4%
No. of Structures / Standalone Camping Areas	19 <ul style="list-style-type: none"> - 15 fixed standalone camping areas on raised platform (each of 6m x 6m) - 1 office (154m²) - 1 storage room (51m²) - 1 refuse room (7.3m²) - 1 toilet facility (100m²)
Building Height / No. of Storeys	About 2.4m - 5.15m / 1 - 2 storeys
Parking Spaces	23 <ul style="list-style-type: none"> - Private Car - Motorcycle - Small Coach
Loading/Unloading Space	1 <ul style="list-style-type: none"> - Light Goods Vehicle

- 1.3 The proposed access road, parking area, and areas occupied by office, storage room, toilet facility and refuse room will be paved with concrete. The paving works, together with the excavation works for the construction of on-site drainage facilities, will involve a total excavation area of about 2,108.1m² (about 11% of the Site) with depth ranging from 0.2m to 1.8m and a total filling area of about 1,653.3m² (about 8% of the Site) with height ranging from 0.2m to 0.5m (**Drawing A-4**).
- 1.4 According to the submitted tree preservation and landscaping proposal (TPLP) (**Appendix Ia**), 541 existing trees are found within the Site, of which 66 (about 12%) will be in conflict with the proposed uses and proposed to be felled (**Drawings A-6a to A-6c**). 99 heavy standard new trees are proposed within the Site as compensatory planting. A 5m-wide set-back from the western site

³ A French word 'bivouac' meaning camp site is used in the applicant's Master Layout Plan.

boundary with 1.5m-tall wooden fence is proposed to serve as a 'no trespassing buffer area', while 2m-tall chain link fence is proposed along the remaining sides of the Site to delineate the activity area (**Drawing A-2**).

- 1.5 Sewage generated from the toilets will be collected and temporary stored in wastewater holding tanks and transported off-site by tankers to sewage treatment works for disposal on a regular basis. No shower, restaurant or laundry facilities will be provided at the Site. Runoff from the Site will be discharged through the proposed U-channels to the existing stream, and petrol interceptors will be provided at the two discharge points to prevent possible petrol leakage at the parking area from polluting the stream (**Drawing A-5**).
- 1.6 The proposed uses will operate 24 hours daily (including public holidays) with a mandatory 'visit-by-appointment' system. The proposed uses at the Site will accommodate a maximum of 50 and 100 visitors during weekdays and weekends/public holidays respectively and have five on-site staff.
- 1.7 To address other technical concerns, the applicant has also submitted a traffic impact assessment (TIA), a drainage impact assessment (DIA) and a sewage disposal proposal (**Appendix Ia**). The master layout plan, master landscape plan, paving ratio plan, proposed filling and excavation of land plan, conceptual drainage layout plan, and planting plan submitted by the applicant are shown on **Drawings A-1 to A-6**.
- 1.8 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 14.12.2021 (**Appendix I**)
 - (b) Further information (FI) received on 1.9.2022 (**Appendix Ia**)
providing a Consolidated Planning Statement
which supersedes all previous FI submissions⁴
and the original Planning Statement
- 1.9 On 28.1.2022 and 20.5.2022, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application each for two months as requested by the applicant to allow time for preparation of FI to address departmental comments. With the FI received on 20.7.2022, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Consolidated Planning Statement at **Appendix Ia** and summarised below:

- (a) the proposed uses will be a timely response to meet the soaring demand for outdoor 'breathing' or 'relieving' areas for enjoyment of the community amidst the COVID-19 epidemic;

⁴ A total of five previous FI submissions (dated 24.3.2022, 5.5.2022, 20.7.2022, 3.8.2022, and 24.8.2022) were made in response to departmental comments and to provide revised technical assessments, of which the first one was accepted but not exempted from the publication requirements while the remaining four were exempted from the publication requirements.

- (b) the proposed uses are only temporary in nature, and the Site will be reinstated upon expiry of the planning permission. Approval of the application will not jeopardise the long-term planning intention of the “GB” and “V” zones;
- (c) the proposed uses will cause minimal impact on the existing environment. The scheme is carefully designed with a view to retaining the existing contours of the Site. Most existing trees that are in good conditions will be retained in-situ. The clusters of camping areas will be filtered by the existing on-site vegetation. The activity area will be clearly delineated and properly managed, so that any potential environmental pollution or nuisance will be minimised. Compared to conventional agricultural activities, the proposed uses are better land uses in terms of safeguarding the character and environment of the Site;
- (d) the Site falls within water gathering grounds (WGG) with an existing stream running adjacent to its western and southern boundaries (**Plan A-2**). To avoid human disturbance to the stream course, a 5m-wide buffer from the western site boundary with 1.5m-tall wooden fence is proposed. All toilet facilities will be located more than 30m away from the nearest watercourse and the proposed sewage holding tanks will be designed to be leak-proof and fitted with level indicator and overflow alarm system. No farming activities will be provided and no pesticide or fertiliser will be used or stored within the Site. With the proposed on-site drainage and sewage disposal facilities, there will be no net increase in the pollution load to the WGG;
- (e) no significant adverse traffic, drainage and sewerage impacts are anticipated as demonstrated by the TIA, DIA and sewage disposal proposal. To minimise potential environmental impact or nuisance to nearby residents, the applicant has committed to observing the relevant code of practice promulgated by the Environmental Protection Department (EPD) and adopting the best site practices, including prohibiting the entry of heavy vehicles during the operational phase; prohibiting the use of audio amplification system/device within the Site; and the sewage discharge of the Site will be properly managed. Besides, the applicant has drawn up a set of house rules and operational guidelines to be followed by visitors and staff (Annex D of the sewage disposal proposal in **Appendix 1a**). For example, no shower, laundry, cooking or barbeque activities are allowed within the Site and visitors must bring along ready-to-eat food if necessary. Staff will patrol the Site regularly to ensure visitors’ compliance with the house rules;
- (f) the proposed uses fully comply with the Town Planning Board Guidelines for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPG PG-No. 10) in that its scale, intensity and uses are compatible with the surrounding environment; the existing natural features are respected and landscape treatments are proposed; and no adverse impacts on existing infrastructure and environmental quality are anticipated; and
- (g) the proposed uses will make good and pro-active use of underutilised land to meet short-term community needs and generate employment opportunities, thereby delivering a ‘win-win’ project for the community as a whole.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner(s)”, the applicant 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 publishing newspaper notices and posting site notices. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPG PG-No. 10) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

There were six enforcement cases against unauthorized development (UD) involving storage use and filling and/or excavation of land that straddle/within part of the Site. The unauthorized developments were discontinued upon expiry of the Enforcement Notices (ENs) and/or the concerned sites were reinstated in compliance with the Reinstatement Notices (RNs). Of which, the latest two planning enforcement cases (No. E/SK-TMT/27 and 30) involved UD of excavation of land and filling of land (**Plan A-2**). ENs were issued and the UD were discontinued between 2020 and 2021. Compliance Notice was issued in 2021 for RN of No. E/SK-TMT/30. Cancellation Notices will be issued for ENs of No. E/SK-TMT/27.

6. Previous Application

There is no previous application at the Site.

7. Similar Application

There is no similar application for ‘Holiday Camp’ and ‘Tent Camping Ground’ within the “GB” or “V” zone on the same OZP.

8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photos on Plan A-3, and site photos on Plan A-4a and A-4c)

8.1 The Site is:

- (a) currently vacant mostly covered with trees and grass, and fenced off with corrugated sheets on most sides except for the western boundary;
- (b) within the WGG and the ‘village environs’ (VE) of Long Keng; and

- (c) accessible via a local access at its southeast leading to Tai Mong Tsai Road and a footpath at its northeast connected to Sai Sha Road.

8.2 The surrounding areas have the following characteristics:

- (a) mainly rural in character with most areas being woodland. Patchy temporary structures can be found within the immediate vicinity, while clusters of village houses of Wo Liu, O Tau and Long Keng are found within the “V” zones to the west, north and east of the Site respectively;
- (b) an existing stream within the same “GB” zone runs from north to south adjacent to the western and southern boundaries of the Site; and
- (c) to the south of the Site is the Long Keng Lowland Pumping Station within an area zoned “Government, Institution or Community”.

9. Planning Intentions

- 9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Any filling of land or excavation of land require permission from the Board.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities in the “GB” zone.
- 9.3 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to provide land for the retention and expansion of existing villages.

10. Comments from Relevant Government Departments

All the government departments consulted have no objection to or no adverse comment on the application. The Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) has no objection to the application subject to conditions on the submission of risk assessment report(s) to prove and demonstrate no material increase in pollution effect resulting from the proposal and implementation of the mitigation and preventive measures identified in the risk assessment report(s). The Director of Environmental Protection (DEP) considers that the proposed uses will unlikely result in adverse environmental impact and has no in-principle objection to the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

11. Public Comments Received During Statutory Publication Periods

- 11.1 On 24.12.2021 and 1.4.2022, the application and the FI were published for public inspection. During the statutory public inspection periods, a total of 420 public comments were received, including 338 supporting comments, 80 opposing comments, and two comments raising concern on the application (**Appendix V**).
- 11.2 The 338 supporting comments (including 39 comments in two types of standard letters, samples of which are at **Appendices Va and Vb**) were submitted by the Indigenous Inhabitant Representatives (IIRs) of Long Keng and Wo Liu and individuals. The main supporting grounds are summarised below:
- (a) with its pleasant environment, the Site is a suitable location for the proposed uses;
 - (b) the proposed uses will make good use of vacant land to meet the demand for countryside recreation; enhance the environmental and hygiene conditions of nearby villages; create employment opportunities and boost local tourism; and raise visitors' environmental awareness;
 - (c) significant adverse traffic impact is not anticipated; and
 - (d) potential environmental pollution or nuisance will be minimised under proper management.
- 11.3 The 80 opposing comments were submitted by the Friends of Sai Kung, Friends of Hoi Ha, Conservancy Association, Designing Hong Kong, Hong Kong Bird Watching Society and individuals. The main objection grounds and concerns raised are summarised as follows:
- (a) not in line with the planning intention of the "GB" zone;
 - (b) the proposed uses will pollute the WGG and cause adverse ecological, landscape, drainage, visual and traffic impacts on the area;
 - (c) parts of the Site are the subjects of unresolved land title and right of way disputes that should be resolved before planning permission is granted;
 - (d) the increased number of visitors to the Site will create nuisance to and security risks for nearby villages; and
 - (e) the Site has been the subject of various unauthorized developments. The proposed uses are likely part of a 'destroy first, build later' process. Approval of the application will set an undesirable precedent and promote similar activities.
- 11.4 The remaining two comments, both from the Kadoorie Farm and Botanic Garden Corporation, raise concern on the progress of planning enforcement actions at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary holiday camp and tent camping ground for a period of three years with associated filling and excavation of land at the Site, which falls within an area mainly zoned “GB” with a minor portion zoned “V” on the OZP (**Plan A-1**). The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. For “V” zone, the planning intention is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation perspective. The District Lands Officer/Sai Kung, Lands Department has no objection to the application and advises that there is no Small House application at the Site. Although the proposed holiday camp and tent camping ground are considered not entirely in line with the planning intentions of the “GB” and “V” zones, given that the proposed uses are temporary in nature, and the applicant’s proposal to reinstate the Site upon expiry of the planning permission, the long-term planning intention of the “GB” and “V” zones would not be jeopardised.
- 12.2 The proposed scheme mainly comprises a designated camping zone, which provides 15 fixed standalone camping areas on raised platform (each of 6m x 6m), a free camping zone with 20 camping bays, and ancillary facilities including office, storage room, refuse room, and toilet. The proposed uses with limited structures (site coverage of about 4.4%), and filling and excavation works (which account for about 8% and 11% of the site area respectively) are considered not incompatible, in terms of their nature and scale, with the surrounding area which is rural in character mixed with clusters of village houses and government, institution and community use (i.e. Long Keng Lowland Pumping Station). Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considers that the proposed uses of low-rise and low intensity in nature will unlikely induce significant adverse visual impact on the surrounding area.
- 12.3 The Site, which is currently covered with trees and grass, is situated in an area of settled valleys landscape character predominated by woodlands, grassland, villages and a stream course to the immediate west and south of the Site. Existing trees of semi-mature sized including common native species are observed on the Site. According to the submitted TPLP (**Appendix Ia**), 541 existing trees are found within the Site and 66 trees are proposed to be felled. Various design considerations have been taken into account to minimise the landscape impact, including retaining 88% of the existing trees, high site coverage of greenery of 83%, and provision of 99 heavy standard new trees for the proposed temporary uses. Considering the retention of large majority of existing trees and more than 1:1 compensatory planting ratio for the felled trees in quantity, CTP/UD&L, PlanD considers that the landscape character will generally be maintained and the proposed uses will unlikely induce significant adverse impact on existing landscape resources.
- 12.4 The Site is located within the lower indirect WGG and is not served by public

sewerage. The applicant has proposed various control measures as detailed in the submitted sewage disposal proposal (**Appendix Ia**), including the installation of wastewater holding tanks for the toilet facilities and transport sewage off-site for disposal regularly, the provision of a 5m-wide 'no trespassing buffer area' along the western site boundary, the formulation of house rules and operational guidelines to avoid polluting the WGG and stream course. Taking into account these measures, DEP considers that the proposed uses will unlikely result in adverse environmental impact and has no in-principle objection to the application. CE/C, WSD has no objection to the application subject to approval conditions as suggested in paragraphs 13.2(a) and (b) below.

- 12.5 To address other technical concerns, the applicant has also submitted a TIA and a DIA. Concerned government departments including the Commissioner for Transport and the Chief Engineer/Mainland South, Drainage Services Department have no adverse comment on the application. Other departments consulted have no objection to or no adverse comment on the application. Should the application be approved, the approval conditions recommended by the Director of Fire Services are suggested in paragraphs 13.2(c) and (d) below.
- 12.6 The proposal generally complies with the TPG PG-No. 10 in that the design and layout of the proposal are compatible with the surrounding area, and that all technical issues in sewerage, drainage, environment, water supply and traffic aspects are addressed.
- 12.7 A total of 420 public comments on the application were received, including 338 supporting comments, 80 opposing comments, and two comments raising concern on the application. The supporting comments are noted. Regarding the disputes related to land title and right of way, the applicant has complied with the "owner's consent/notification" requirements under TPB PG-No. 31A and the unresolved land-related issues should be dealt with separately by the applicant. Regarding the comments about unauthorized developments and enforcement actions, the Site's previous ENs/RNs have been complied with. As regards other opposing comments as detailed in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the proposed temporary holiday camp, tent camping ground and associated filling and excavation works could be tolerated for a period of three years.
- 13.2 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 9.9.2025. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of risk assessment report(s) to prove and demonstrate no

material increase in pollution effect resulting from the proposal within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board 9.3.2023;

- (b) in relation to (a) above, the implementation of the mitigation and preventive measures identified in the risk assessment report(s) within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 9.6.2023;
- (c) the submission of a fire service installations 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 9.3.2023;
- (d) in relation to (c) above, the implementation of the fire service installations 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 9.6.2023;
- (e) if any of the above planning condition (a), (b), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (f) upon the expiry of the planning permission, the reinstatement of the application 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 attached at **Appendix IV**.

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

the proposed uses and associated filling and excavation works are not in line with the planning intentions of the "Green Belt" and "Village Type Development" zones. The planning intention of "Green Belt" zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The planning intention of the "Village Type Development" zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to provide land for the retention and expansion of existing villages. There is no strong justification in the submission for a departure from the planning intentions, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 14.12.2021
Appendix Ia	FI received on 1.9.2022 enclosing a Consolidated Planning Statement with technical assessments
Appendix II	Relevant extract of Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments – Samples
Appendix Va	Public Comments – Standard Letter Type I
Appendix Vb	Public Comments – Standard Letter Type II
Drawing A-1	Master Layout Plan
Drawing A-2	Master Landscape Plan
Drawing A-3	Paving Ratio Plan
Drawing A-4	Proposed Filling and Excavation of Land Plan
Drawing A-5	Conceptual Drainage Layout Plan
Drawings A-6a to A-6c	Planting Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**