

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

**APPLICATION NO. A/SLC/173**

- Applicants** : JK Group Limited
- Site** : Various Lots<sup>1</sup> in D.D. 316L, Pui O, Lantau Island
- Site Area** : 3,672m<sup>2</sup> (about)
- Lease** : Old Schedule Agricultural Lots held under Block Government Lease
- Plan** : Approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Temporary Holiday Camp (Caravan Holiday Camp) for a Period of Three Years and Excavation of Land (Sewage Facilities)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a temporary holiday camp (caravan holiday camp) for a period of three years and excavation of land for sewage facilities (at a depth of 2m) at the application site (the Site). The Site falls within an area zoned “CPA” on the approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21 (**Plan A-1 to Plan A-3**). According to the Notes of the OZP for the “CPA” zone, ‘Holiday Camp’ is a Column 2 use and excavation of land requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is the subject of a previous planning application (No. A/SLC/155) for the same use submitted by the same applicant, which was approved with conditions on 20.12.2019 by the Board on review for three years instead of five years sought. The submission parts of the approval conditions have been complied with. However, the permission was revoked on 20.5.2022 due to non-compliance with the implementation parts of the relevant approval conditions as Short Term Waiver (STW) has not been obtained. Details of the application are at paragraph 4. The Site is currently used for garden centre, caravan campsite and storage without valid planning permission.
- 1.3 The applied development comprises 10 caravans and 11 structures including garden centre, kiosk (green house), movable pergolas, movable storages, look-out platform

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<sup>1</sup>Including Lots 626 (Part), 627 (Part), 628 to 630, 632, 633 (Part), 634 to 637, 639 to 642, 647 to 650, 710 to 712, 715 S.B, 715 RP, 716, 717 and 718 RP.

and portable toilets with a total floor area of about 584.41m<sup>2</sup> and building height of one storey (2.5m – 4.57m). Four car parking spaces for electrical vehicles (also used as loading and unloading bays) will be provided within the Site. The applied development will operate 24-hour daily. The Site is accessible via a local track connecting to South Lantau Road. Ten caravans will provide overnight accommodation for a maximum of 50 customers and no more than 50 day-time visitors. Together with three to five staff per shift, the total daily patronage of the Site will be about 105. As compared with the previously approved application (No. A/SLC/155), the major development parameters of the current application generally remain the same except with minor revisions to the layout, minor increase in the height of the garden centre and kiosk from 4m to 4.57m and deletion of the sand pool. These changes were made when discharging the relevant approval conditions of Application No. A/SLC/155, which were approved by relevant government departments. The proposed development parameters of the current application are shown in the following table and at **Drawing A-1**:

Use	Number	Floor Area	Height
Caravan	10	154m <sup>2</sup> (15.4m <sup>2</sup> each)	2.5m
Garden Centre and Kiosk (green house)	1	215m <sup>2</sup>	4.57m
Movable Pergola	2	144m <sup>2</sup>	4m
B1 Movable Storage	1	18.36m <sup>2</sup>	3m
B2 Movable Storage	3	44.65m <sup>2</sup>	3m
Look-out Platform	1	-	3m
Portable Toilet	1	8.4m <sup>2</sup>	2.6m
Sign	1	-	4m
Electric Box	1	-	2.5m
<b>Total</b>	<b>21</b>	<b>584.41m<sup>2</sup></b>	<b>-</b>

- 1.4 According to the applicant, excavation works will be undertaken for the construction of sewage facilities including a septic tank and soakaway pit system (5m x 10m x 2m (D)) and pipelines. Sewage will be collected by septic tank and soakaway pit system for treatment or removal by service trucks. Besides, surface runoff drainage treatment by surface U channels and a sand trap for sediment purpose will be provided before connecting to public drains.
- 1.5 Master Layout Plan, Landscaping Plan, Site Formation Plan, Fire Service Installation Layout Plan and Loading/Unloading Space Layout Plan submitted by the applicant are shown at **Drawings A-1 to A-5**.
- 1.6 Part of the Site is currently used as the applied use and occupied by a garden centre, twelve caravans and pergolas. The southern part is used as storage of construction materials with four containers. There are four private lots (Lots 643 to 646) in the middle of the Site which are excluded from the application. An existing track leading from South Lantau Road to the Site also serves these four private lots surrounded by the Site (**Plan A-2**). One private lot (Lot 638 also excluded from the Site) is located at the western part of the Site. According to the applicant, an access will be provided to these five private lots.

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

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|-----|--|----------------------|
| (a) | Application Form received on 16.11.2022          | <b>(Appendix I)</b>  |
| (b) | Supplementary information received on 22.11.2022 | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) received on 19.12.2022* | <b>(Appendix Ib)</b> |
| (d) | FI received on 30.12.2022*                       | <b>(Appendix Ic)</b> |
| (e) | FI received on 4.1.2023*                         | <b>(Appendix Id)</b> |

*\*accepted and exempted from publication and recounting requirements*

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

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia, Ib, Ic and Id** and summarised as follows:

- (a) the Site has already been formed and is currently occupied by a garden centre, caravan campsite and storage. The applied holiday camp development will improve the environment, better utilise/manage the land and enhance local economy, employment, sustainability and eco-tourism;
- (b) the applied use is in line with the Sustainable Lantau Blueprint (the Blueprint) promulgated in 2017 in which South Lantau is planned for tourism and conservation;
- (c) all caravans within the Site are movable and are not considered as structures which are in line with the temporary nature of the application. The caravans will only occupy limited land and most of the Site is for greenery, hence the proposal is compatible with the surrounding natural environment;
- (d) the applicant has proactively put efforts to comply with conditions under the planning approval. The applicant submitted the STW application on 29.4.2020, closely monitored the progress and submitted the documents required by the Lands Department (LandsD). However, the STW application has not been approved for more than two years. Given the site clearance was under processing and no STW approval was granted by LandsD, the loading/unloading bays and septic tanks could not be provided and the landscape proposal, drainage proposal and fire service installations and water supplies for firefighting proposal accepted by relevant government departments could not be implemented;
- (e) about 88 new tree and shrub plantings are proposed along the boundary of the Site;
- (f) sewage from the caravans will be collected in the proposed septic tank and soakaway system while the sewage from portable toilets will be removed by tankers regularly. The design of the septic tank will be carried out by a professional engineer and adhere to relevant ordinances, regulations and guidelines. No adverse impact to the environment is anticipated. Furthermore, the development of government sewerage treatment works in Pui O has commenced. The applied use could be connected to the future sewerage treatment works via public sewer subject to the agreement on a Sewerage Impact Assessment by the Environmental Protection Department (EPD); and

- (g) only four loading/unloading bays/parking spaces will be provided at the Site. No parking provision will be provided. Adverse traffic impact on the surrounding area is not anticipated.

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

The applicant is not the ‘current land owners’ 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 posting site notice and sending notice to South Lantau Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Previous Applications**

- 4.1 The Site is the subject of two previous planning applications (No. A/SLC/147 and 155) submitted by the same applicant with the former one withdrawn by the applicant and the latter one approved by the Board upon review. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plans A-1 and A-2**.
- 4.2 Application No. A/SLC/147 for a proposed temporary holiday camp (caravan holiday camp) and tent camping ground with ancillary hobby farm for three years and excavation of land (Sewerage Facilities) was withdrawn by the applicant on 26.10.2017.
- 4.3 Application No. A/SLC/155 for a proposed temporary holiday camp (caravan holiday camp) for five years and excavation of land (sewage facilities) was rejected by the Committee on 2.8.2019 mainly on the grounds of being not in line with the planning intention of the “CPA” zone, failing to demonstrate no adverse ecological and landscape impacts, and setting of an undesirable precedent. Upon review, the application was approved with conditions on 20.12.2019 by the Board for three years mainly on the grounds that the proposed development was an environmental improvement as compared to the previous vehicle repair workshop, other parts of the subject “CPA” zone had already been disturbed and the proposed development was in line with the planning intention for South Lantau in the Blueprint to encourage conservation with sustainable leisure and recreational uses. However, the application was revoked on 20.5.2022 due to non-compliance with approval conditions related to the implementation of the landscape proposal and drainage proposal and the provision of fire service installations and water supplies, loading/unloading bays and parking spaces and septic tanks. Compared with the last application, the scheme of the current application has only made revisions to reflect the latest scheme accepted by relevant government departments when discharging the approval conditions of the last application.

### 5. **Similar Applications**

- 5.1 There are two similar applications (No. A/SLC/88 and 161) between 2008 and 2022

for proposed holiday camp with one approved and one rejected by the Board upon review. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

- 5.2 Application No. A/SLC/88 was submitted due to the lapse of the previous planning permission under Application No. A/SLT/47 and more time was required for the land exchange process. The application was approved with conditions by the Committee on 6.6.2008 mainly on the grounds that there were no significant changes in the planning circumstances, the development was not incompatible with the surrounding areas, the development was in line with the recommendation of the 'Revised Concept Plan for Lantau' in 2007 in which Pui O was recommended to be developed into a family-oriented recreation hub and the sewage concerns could be addressed by an approval condition on sewage treatment facilities. An Occupation Permit for a 3-storey holiday camp building (Hong Kong Victoria Resort) was issued by the Building Authority on 6.11.2015.
- 5.3 Application No. A/SLC/161 was rejected by the Committee on 4.9.2020 on grounds that the application was not in line with the planning intention of the "CPA" zone, the applicant failed to demonstrate that the proposed development would not have adverse ecological, water quality, drainage and sewerage impacts on the surrounding areas, and approval of the application would set an undesirable precedent for similar applications within the "CPA" zone and the cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area. Upon review, the Board decided to reject the application on the same grounds on 11.12.2020.

**6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4a to A-4c)**

6.1 The Site has the following characteristics:

- (a) the northern part of the Site is currently paved and occupied by a garden centre;
- (b) the eastern part of the Site is a grassland and occupied by twelve caravans;
- (c) the southern part of the Site is used as storage of construction materials with four containers;
- (d) the western part of the Site is occupied by two pergolas with tables and chairs inside; and
- (e) it is accessible from South Lantau Road and a bus stop is located near the entrance of the Site.

6.2 The surrounding areas have the following characteristics:

- (a) to the immediate east, south and west are predominantly rural in character with fallow or active farmland / marshes where buffaloes can be found;

- (b) there are some private lands encircled by the Site which are used as track and occupied by the temporary structures for storage;
- (c) to the north and further southwest are car parks and open storages which are abutting South Lantau Road;
- (d) to the northwest which across South Lantau Road is Pui O Lo Wai Tsuen. To the southeast is Ham Tin San Tsuen; and
- (e) about 50m to the east are Pui O Ecologically Important Stream (EIS) and its riparian wetland. About 600m to the south is Pui O gazetted beach .

**7. Planning Intention**

The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

**8. Comments from Relevant Government Departments**

All 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 at **Appendices IV** and **V** respectively.

**9. Public Comments Received During Statutory Publication Period**

On 25.11.2022, the application was published for public inspection. During the statutory public inspection period, 109 public comments from Kadoorie Farm & Botanic Garden Corporation, Tai Tam Tuk Foundation, The Conservancy Association, Save Lantau Alliance, Hong Kong Bird Watching Society and individuals were received raising objection to and/or concerns on the application (**Appendix VI**). The main grounds of objection and concerns include that the applied use is not in line with the planning intention of the “CPA” zone, there will be adverse ecological impact on the wildlife habitat (including buffaloes) and EIS, adverse environmental and noise impacts, adverse landscape, sewage and drainage impacts, adverse traffic impact, fire safety and waste management concerns, there is no licence granted for holiday camp at the Site, the proposal will compromise the access and future land use of the lots encircled by the Site, this is a suspected “destroy first, build later” case, the applicant has not complied with the approval conditions of application No. A/SLC/155 and approval of the application would set an undesirable precedent for similar applications.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for a temporary holiday camp (caravan holiday camp) for a period of three years and excavation of land for sewage facilities at the Site zoned “CPA” on the OZP. The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. Although the applied holiday camp (caravan holiday camp) is not entirely in line with the planning intention of the “CPA” zone, the current proposal is same as the previous application (A/SLC/155) which was approved by the Board upon review on 20.12.2019. The Site is close to South Lantau Road. The applied use is an environmental improvement as compared to the previous vehicle repair workshop and in particular that the other parts of the subject “CPA” zone had already been disturbed. The applied use is in line with the planning intention for South Lantau in the Blueprint which is proposed for conservation and low-impact leisure and recreational use where appropriate. The previous planning approval was revoked in May 2022 due to non-compliance with the implementation parts of the relevant approval conditions while the submission parts have been fulfilled. According to the applicant, the implementation parts could not be undertaken because the STW is yet to be obtained.
- 10.2 The Head of Sustainable Lantau Office, Civil Engineering and Development Department advises that the Blueprint embraces the overarching principle of “Development in the North; Conservation for the South”. The predominant part of Lantau, in particular the South Lantau, is proposed for conservation with sustainable leisure and recreational uses. In South Lantau, camping grounds at appropriate locations could be explored for the public to enjoy the natural resources of Lantau. In 2020, the Lantau Conservation and Recreation Masterplan (the Masterplan) was formulated based on the Blueprint and according to the Masterplan, Pui O falls within the “South Lantau Eco-recreation Corridor”. It is proposed that proactive conservation measures plus some sustainable nature-based recreation and education events/activities/ facilities could add to the diversity of the corridor. The applied caravan holiday camp use at the Site is considered in line with the initiative in the Blueprint and Masterplan.
- 10.3 Given the temporary nature of the applied use, ten caravans will only occupy limited land and most of the Site is for greenery, the proposal is considered compatible with the surrounding natural environment. According to the applicant, five existing trees identified on site are proposed to be retained and hence significant adverse impact on the existing landscape resources and landscape character is not expected. The Chief Town Planner/ Urban Design and Landscape, Planning Department has no adverse comment on the application.
- 10.4 Since the daily patronage of the applied caravan holiday camp is about 105 and not large in scale, significant adverse traffic, drainage and water supply impacts are not anticipated. Relevant government departments consulted including the Commissioner for Transport, the Chief Engineer/Hong Kong & Island, Drainage Services Department and the Chief Engineer/ Construction, Water Supplies Department have no objection to or no adverse comment on the application.

- 10.5 Regarding ecological and drainage impacts, the applicant submits a drainage proposal (which was approved by the Drainage Services Department (DSD) under the previous application) to indicate the surface channel and sand trap for discharge of the surface runoff to an existing nullah, the applied use will unlikely generate significant adverse environmental impacts on Pui O EIS and the surrounding areas. Moreover, no significant ecological impact would be anticipated. As such, the Agriculture, Fisheries and Conservation Department and DSD have no comment on the application. The Director of Environmental Protection has no objection to the use of septic tank and soakaway system for the applied use provided that its design and construction follow the requirements of EPD ProPECC 5/93 to be certified by an Authorised Person.
- 10.6 The Board has approved the previous application (No. A/SLC/155) for the same use submitted by the same applicant at the Site. Approval of the current application is in line with the Board's previous decision. The submission parts of the approval conditions have also been complied with. As a STW could not be obtained, the applicant was not able to discharge the relevant approval conditions related to implementation clauses. As such, the previous planning approval was revoked on 20.5.2022. In view of the above, sympathetic consideration can be given to the applicant for the current application. Moreover, should the application be approved, the applicant will be advised that should they fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 10.7 Regarding the public comments objecting to /raising concerns on the application as detailed in paragraph 9, the government departments' comments and planning assessments above are relevant. Regarding the concern on the provision of an access to the lots encircled by the Site, the applicant confirms that an access will be provided within the Site for these lots.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on temporary basis for a period of three years, as applied for, until 13.1.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no more than 10 caravans, as proposed by the applicant, are allowed to be provided on-site at any time during the planning approval period;
- (b) an access shall be provided within the site for Lots 638, 643, 644, 645 and 646 in D.D. 316L, as proposed by the applicant, at all times during the planning approval period;



- (c) the implementation of the accepted landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 13.10.2023;
- (d) the implementation of the accepted drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.10.2023;
- (e) the submission of a proposal of fire service installations and water supplies for firefighting within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.7.2023;
- (f) in relation to (e) above, the provision of fire service installations and water supplies for firefighting within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.10.2023;
- (g) the provision of loading/unloading bays and parking spaces within 9 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 13.10.2023;
- (h) if any of the above planning condition (a) or (b) 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;
- (i) if any of the above planning condition (c), (d), (e), (f) or (g) 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
- (j) 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 V**.

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

the applied use is not in line with the planning intention of the "CPA" zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 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 on valid on a temporary basis.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 16.11.2022
<b>Appendix Ia</b>	Supplementary Information received on 22.11.2022
<b>Appendix Ib</b>	Further Information received on 19.12.2022
<b>Appendix Ic</b>	Further Information received on 30.12.2022
<b>Appendix Id</b>	Further Information received on 4.1.2023
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments received during the Statutory Publication Period
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Landscaping Plan
<b>Drawings A-3a and A-3b</b>	Site Formation Plan
<b>Drawing A-4</b>	Fire Service Installation Layout Plan
<b>Drawing A-5</b>	Loading/Unloading Space Layout Plan
<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 to Plan A-4c</b>	Site Photos