

FURTHER CONSIDERATION OF APPLICATION NO. A/TP/684
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

**Proposed Field Study/ Education/ Visitor Centre with Ancillary Holiday Camp
in “Green Belt” Zone
Lots 1, 2 and 4 to 8 in D.D. 33 and Adjoining Government Land
Tai Po Kau, Tai Po, New Territories**

1. Background

- 1.1 On 30.8.2022, the applicant, Pine Garden Foundation Limited represented by PlanArch Consultants Limited, submitted the subject application seeking planning permission for a proposed field study/ education/ visitor centre with ancillary holiday camp at the application site (the Site) which falls within an area zoned “Green Belt” (“GB”) on the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/30 (**Plan FA-1**). According to the Notes of the OZP, ‘Field Study/ Education/ Visitor Centre’ in “GB” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposed development comprises redevelopment of three existing single-storey buildings for provision of a visitor centre, an activity centre and a plant nursery, ancillary outdoor facilities such as tent camping area and viewing deck, and demolition of four abandoned buildings along the northern boundary of the Site (**Drawing FA-1**). Elements of the existing buildings will be preserved and reused as detailed in paragraph 2 below.
- 1.3 On 21.4.2023, the application was considered by the Rural and New Town Planning Committee (the Committee) of the Board. At the meeting, while noting that the proposed development was not in line with the planning intention of the “GB” zone and the impact of the slope works on the Tai Po Kau Nature Reserve (TPKNR)¹ adjoining the Site had yet to be ascertained, the majority of Members considered that favourable consideration could be given to the application as the proposed development and its design would be compatible with the surrounding environment; would not be in conflict with the function of the “GB” zone as it was of small scale; and would be more desirable than leaving the Site vacant.
- 1.4 Some Members, whilst giving in-principle support to the application, expressed that effective management measures should be adopted to ensure no adverse impact on the surrounding environment; green design features and environmental-friendly construction method should be adopted to minimize the impact; the visitor centre should be opened to the public without prior appointment and the design of the proposed development should invite wider public access; and requested elaboration

¹ Tai Po Kau Nature Reserve is one of the special areas (outside country park) designated under the Country Parks Ordinance (Cap. 208) in 1977 mainly for the purpose of nature conservation.

on how the proposed development could complement TPKNR. After deliberation, the Committee decided to defer a decision on the application pending the applicant's submission of supplementary information to address Members' concerns for further consideration of the Committee.

- 1.5 There is no change to the development parameters and proposal under the current submission as set out in the table and paragraph 1.6 below:

Development Parameters	
Site Area	About 9,054m ²
Gross Floor Area	About 560m ²
No. of Blocks	3
No. of Storeys	Not more than 1 storey
Maximum Building Height	Visitor centre: not more than 4.7m Activity centre: not more than 4.5m Plant nursery: not more than 6.65m
Site Coverage	About 6%
Parking Spaces	2 private car parking spaces (including 1 accessible parking space)
Loading/ Unloading Bays	1 light goods vehicle
Proposal	
Operation Hour	9am to 6pm, Mondays to Sundays including public holidays (except for overnight programmes and special activities such as morning bird watching and night safari tour)
Maximum Capacity	200 visitors on weekdays 400 visitors during weekends 10 staff in full operation

- 1.6 A tent camping area will be provided in the western part of the Site for overnight educational activities/ programme for about 18 people for each overnight programme, and up to four programmes each month during March to April and September to November with prior registration required. No separate booking on the tent camping area, cooking and campfire will be allowed. All tents will be removed after each overnight programme.

- 1.7 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/TP/684 considered on 21.4.2023 **(Appendix F-I)**
 - (b) Extracts of Minutes of the Committee's meeting held on 21.4.2023 **(Appendix F-II)**
 - (c) Secretary of the Board's letter dated 5.5.2023 informing the applicant of the Committee's decision to defer a decision on the application **(Appendix F-III)**
 - (d) Further Information (FI) received on 20.6.2023 and 21.6.2023* **(Appendix F-IV)**
 - (e) FI received on 4.8.2023* **(Appendix F-V)**
- (* accepted and exempted from publication requirements)

2. **Further Information submitted by the Applicant**

In response to Members' concerns, the applicant submitted FI (**Appendices F-IV to F-V**) to support the application as set out below.

Use of Effective Management Measures, Green Building Design and Environmental-Friendly Construction Method

- (a) the applicant proposes to provide a formal briefing to the staff to emphasize the ecological and environmental sensitivity of TPKNR; and to convey the concepts of site cleanliness, waste management procedures and avoidance of damage to vegetation, and noise or visual disturbance during construction works;
- (b) the code of conduct for visitors will be strictly implemented to dovetail with the conservation purpose of TPKNR. Sufficient well-trained staff will be deployed to patrol, protect the environment and monitor visitors' behaviours. Regular ecological survey and biodiversity monitoring will be conducted at and near the Site during the construction and operation phases to support evidence-based review and to allow adaptive management at the Site;
- (c) as for the construction method, the applicant will adopt sustainable design concept to reduce carbon footprint. Besides, split-levelled ceiling design and folding walls will be introduced in the proposed visitor centre and activity centre to enable natural lighting penetration, ventilation and flexible use of space that are open to nature;
- (d) as the Site is currently vacant with ruderal vegetation cover and the construction will be confined to the footprint of existing dilapidated structures, no loss of any natural or semi-natural habitats is envisaged, as demonstrated in the Ecological Impact Assessment (EcoIA);
- (e) the construction period is anticipated to be 12 months, of which major construction works will be undertaken outside the wet season (i.e. the dry season from November to March) during which breeding of most terrestrial fauna takes place. Not more than five trips of construction vehicles of a maximum length of 5.7m will be used per day which is considered not generating significant additional impacts. As such, disturbance to TPKNR and wildlife will be minimized;
- (f) to address the concern of Agriculture, Fisheries and Conservation Department (AFCD) on the potential ecological impacts on TPKNR due to any potential ground investigation (GI) works and natural terrain hazard mitigation measures (NTHMM), the applicant will submit NTHS to the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) and holistically assess the potential impacts on TPKNR arising from any potential slope works before commencement. The applicant will also obtain prior permission from AFCD for carrying out the proposed works in TPKNR;
- (g) in view of the small scale of the proposed construction works, the potential impacts related to dust, noise and water quality will be minimal. A sewage treatment plant is proposed to minimize wastewater discharge. The applicant will undertake measures and carry out good site practices to minimize construction impacts on habitats with

reference to relevant guidelines²;

Possibility of Opening the Visitor Centre to the Public and the Design of the Proposed Development to Invite Wider Public Access

- (h) the original restriction on the number of visitors (i.e. 200 visitors on weekdays and 400 visitors during weekends) and prior registration arrangement for schools/institutions/organizations only was proposed to address Transport Department (TD)'s concerns on the parking demand arising from private car users and possible aggravation of illegal on-street parking near the entrance to TPKNR. As such, the proposed prior registration mechanism could help control traffic generation of the proposed development which was acceptable to TD;
- (i) the applicant has explored the possibility of enabling more public access such as allowing walk-in visitors. However, AFCD is concerned that the visitors may spillover and adversely affect the wildlife in TPKNR. The applicant is unable to estimate the number of possible visitors or their mode of travel/ visit if the restriction is lifted at this stage. The applicant will therefore be cautious in undertaking operation and management of the proposed development to ensure that the surrounding areas will not be affected. Hence, the prior registration arrangement will be maintained so that traffic generation and number of visitors could be managed and controlled. When opportunities arise, however, the applicant will consider reviewing the mode of visitor arrangement and consult relevant departments;

Facilities and Functions to Complement TPKNR

- (j) the proposed development will complement and support the functions of TPKNR by providing a sharing platform for ecology/environmental science researchers and indoor venues for schools/non-government organizations (NGOs) to conduct educational activities before entering TPKNR. The proposed development is positioned as the first nature education centre with the theme of forest ecology and forest ecosystem services in Hong Kong. The location in proximity to TPKNR is strategically selected as a gateway to offer exploration of forest ecology, biodiversity, connection with nature, environmental conservation and education; and
- (k) the applicant will collaborate with Outdoor Wildlife Learning Hong Kong (OWLHK)³, which is an experienced nature education organization, to operate the proposed development and promote conservation and environmental education in Hong Kong through outdoor education. To realize the vision, the applicant has formulated a management plan (**Appendix F-V**) that the proposed development will be implemented in four functional zones⁴ (**Drawing FA-1**) to offer a range of guided tour, education programme and research activities in collaboration with NGOs, schools and researchers.

² The then Environment, Transport and Works Bureau Technical Circular (Works) on "Protection of Natural Streams/ Rivers from Adverse Impacts Arising from Construction Works" (ETWB TCW No. 5/2005) and Practice Notes for Professional Persons on "Construction Site Drainage" (ProPECC PN 1/94).

³ OWLHK is a registered charitable body under Section 88 of the Inland Revenue Ordinance. Its profile is detailed at **Appendix F-IV**.

⁴ The four functional zones include Core Zone, Conservation and Research Zone, Community Zone and Connectedness Zone.

3. **Town Planning Board Guidelines**

Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance (the TPO)’ (TPB PG-No. 10) is relevant to this application. The relevant assessment criteria are at **Appendix F-VI**.

4. **Comments from the Relevant Government Departments**

4.1 The following government departments have been consulted and their views on the applicant’s FI are summarized as follows:

Nature Conservation

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

Previous Comments Remain Valid

- (a) according to the EcoIA, the Site is mostly abandoned farmland overgrown with common weeds and ruderal vegetation. The proposed works would be small in scale and the future operation of the proposed development would be carefully managed to minimize disturbance to the surrounding environment. It is understood from the EcoIA that general good site practice would be implemented during construction and sewage would be treated on-site during operation, and no adverse impact on the stream outside the northern boundary of the Site is anticipated during both construction and operation phases. It is noted from the Landscape Proposal that three trees (including two dead trees) out of 70 surveyed trees are proposed to be felled and three trees would be planted in compensation. In view of the above, he has no comment on the proposed development within the Site from nature conservation point of view;
- (b) his previous concern related to the extent of the GI and NTHMM required within TPKNR are acknowledged but yet to be addressed by the applicant in the FI submission (**Appendix F-V**). If NTHMM is required as a result of the proposed development, it should be evaluated as the direct impact of the project as a whole. Whether the overall impact arising from the project is acceptable shall depend on the scale of slope works required, and further ecological surveys and impact evaluation of the slope works would be needed;

Comments on FI Submission

- (c) with the uncertainties on the need and extent of the GI and NTHMM in TPKNR arising from the proposed development, the validity of the ecological impacts at construction phase, the suitability of the proposed mitigation measures as well as the conclusion made in the FI are subject to review. It is premature to conclude in the FI submission (**Appendix F-V**) that “all proposed developments...will not encroach onto any recognized sites of conservation importance”

and that there will be “no direct impacts to any recognised sites of conservation importance” or “loss of any natural or semi-natural habitats”;

- (d) should the application be ultimately approved, he agrees with paragraph 42 of the Committee Minutes (**Appendix F-II**) on the need to impose conditions to ensure the impacts on TPKNR arising from any NTHMM required would be evaluated and addressed before commencement of the proposed development. He shares the concern raised by a Member on whether approval of the application would set an undesirable precedent for similar developments;
- (e) it is advised that the prior registration arrangement should be continued until it is justifiable to be lifted. In case of removing the advance booking mechanism, the applicant may review anticipated visitor numbers to the proposed development, impacts to TPKNR from increased visitor loads and associated sewage flow generated on-site. Given that TPKNR is a Special Area where recreational activities are not encouraged to minimize human disturbance, the applicant should err on the side of caution for nature conservation, and apply a cautious and gradual approach when attempting to increase visitor numbers to the Site, rather than opening up the site all at once and waiting for disturbances and impacts to have occurred before reviewing and engaging visitor control measures; and
- (f) although AFCD has no intention to encourage recreational activities in TPKNR, which is managed for nature conservation and nature education purposes, five way-marked walks, an outdoor study centre, information board, interpretation panels and picnic sites are provided at suitable areas of the nature reserve for public use. Moreover, AFCD currently offers nature excursion (nature interpretation programme) and fixed point narration for the general public, and countryside exploration programme for primary school in TPKNR. The existing provisions within TPKNR are considered adequate from management and visitor services perspectives. The applicant is encouraged to take note of the above when developing their education programmes in a synergistic approach.

4.2 The following government departments have no objection to/ no further comment on the FI and their previous comments of having no adverse comment on the application as set out at **Appendix F-I** remain valid:

- (a) Commissioner for Transport (C for T);
- (b) District Lands Officer/ Tai Po, Lands Department;
- (c) H(GEO), CEDD;
- (d) Director of Environmental Protection (DEP);
- (e) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (f) Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD;
- (g) Director of Fire Services (D of FS);
- (h) Chief Building Surveyor/New Territories West, Building Department;
- (i) Chief Highway Engineer/New Territories East, Highways Department;

- (j) Chief Engineer/Construction, Water Supplies Department;
- (k) Project Manager/North, CEDD;
- (l) Commissioner of Police;
- (m) Director of Electrical and Mechanical Services; and
- (n) District Officer/Tai Po, Home Affairs Department.

5. Planning Considerations and Assessments

- 5.1 The application is for a proposed field study/ education/ visitor centre with ancillary holiday camp at the Site zoned “GB” on the Tai Po OZP. In response to Committee’s request, the applicant submitted FI to supplement on the use of effective management measures, green building design and environmental-friendly construction method to minimize adverse impact of the proposed development; to clarify the possibility of opening up more of the proposed development for public access; and how the proposed development could complement TPKNR, as set out in paragraphs 2(a) to (k) above.
- 5.2 The planning intention of “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. While noting that the proposed development is not fully in line with the planning intention of the “GB” zone, at the Committee’s meeting on 21.4.2023, the majority of Members considered that favourable consideration could be given to the application as the proposed development and its design would be compatible with the surrounding environment; would not be in conflict with the function of the “GB” zone; and would be more desirable than leaving the Site vacant.
- 5.3 According to TPB PG-No. 10, an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development with a total plot ratio of about 0.06, site coverage of 6% and building height of one storey of 4.7m to 6.65m are small in scale and considered not incompatible with the rural landscape character of the surrounding area. 67 out of 70 existing trees would be preserved and lush greening of around 100 new trees and shrubs planting with native species will be provided to enhance the natural landscape of the Site. Significant adverse impact on the landscape resources and character arising from the proposed development is not anticipated. CTP/UD&L, PlanD has no adverse comment from urban design, visual and landscape perspectives as the proposal involves redevelopment of existing structures into three single-storey buildings of low-rise nature, and lush greening and tree planting will be provided at the Site.
- 5.4 The proposed development is overlooked by steep natural terrain within TPKNR and may be affected by potential natural terrain landslide hazards. The applicant has committed in the Geotechnical Planning Review Report (GPRR) to undertake a NTHS to ascertain the needs for slope works, and to implement any necessary mitigation measures as part of the proposed development. As such, H(GEO), CEDD has no geotechnical comment on the application.
- 5.5 Regarding the ecological impacts associated with potential slope works required in TPKNR subject to the findings of NTHS, DAFC maintains the previous view that if

NTHMM is required as a result of the proposed development, the works should be evaluated as the direct impact of the project as a whole. Whether the overall impact arising from the project is acceptable shall depend on the scale of slope works required, and further ecological surveys and impact evaluation of the slope works would be needed. Given the uncertainties on the need and extent of the GI and NTHMM in TPKNR arising from the proposed development, the validity of the ecological impacts at construction phase, the suitability of the proposed mitigation measures as well as the conclusion made in the FI (**Appendix F-V**) are subject to review. DAFC expresses concern that approval of the application would set an undesirable precedent for similar developments. Nevertheless, should the application be approved, DAFC agrees with the Committee's view on imposing an approval condition to require the submission of a revised EcoIA to ensure the ecological impacts on TPKNR arising from any NTHMM required would be evaluated and addressed before commencement of the proposed development.

- 5.6 Relevant departments including DEP, CE/MN of DSD and D of FS have no adverse comment on the application on environmental, drainage and fire safety aspects.
- 5.7 As for the positioning of the proposed development, the applicant explains that its location is strategically selected as a gateway to TPKNR to provide the first nature education centre with the theme of forest ecology and forest ecosystem services in Hong Kong. The proposed development would offer a sharing platform for collaboration opportunities for ecology/ environmental science researchers; indoor venues for schools/ NGOs to conduct education activities before entering TPKNR; and resources to facilitate exploration of biodiversity for the general visitors. In this respect, DAFC encourages the applicant to take into account AFCD's activities when developing education programmes in a synergistic approach. In view of the exceptional circumstances that there would be planning gains from the proposed use with nature education purpose to serve complementary function to TPKNR, the small scale and intensity of the proposed development, and it is not incompatible with the character of the surrounding area, the application may warrant sympathetic consideration.
- 5.8 As for the possibility of allowing more public access, the applicant proposes to maintain the original prior registration arrangement for schools/ institutions/ organizations only in view of the difficulty in addressing DAFC's and C for T's concerns as well as the management and operation consideration if the prior registration arrangement is removed. When opportunities arise, the applicant will consider reviewing the mode of visitor arrangement and consult relevant departments as appropriate.
- 5.9 Should the Committee decide to approve the application, the recommended approval condition (a) below is amended to require the submission of the EcoIA before commencement of works, and new approval conditions (e) and (f) to require the submission of a visitor control management plan before operation of the proposed development and its implementation are proposed respectively to address DAFC's concern. In addition, new approval conditions (c) and (d) to require submission of the NTHS before commencement of works and implementation of the mitigation measures identified therein are proposed respectively to the satisfaction of H(GEO), CEDD. Since whether any slope mitigation works if required subject to NTHS would constitute a designated project under the Environmental Impact Assessment Ordinance (EIAO) is yet to be ascertained, the same advisory clause is therefore

recommended to require submission of information for DEP's consideration on the potential EIAO implications if GI works would be carried out within TPKNR, including any species of conservation importance involved and volume of excavation from the GI works. To address Members' concern, a new advisory clause is also recommended to encourage the applicant to review the mode of visitor arrangement and consult relevant departments as appropriate with a view to allowing more public access after operation.

6. Planning Department's Views

- 6.1 Based on the assessments made in paragraph 5 above, PlanD has no objection to the application.
- 6.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 11.8.2027, 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 also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised ecological impact assessment before commencement of works to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (b) in relation to condition (a) above, the implementation of the environmental mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (c) the submission of a natural terrain hazard study before commencement of works to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board;
- (d) in relation to condition (c) above, the implementation of the mitigation measures recommended therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board;
- (e) the submission of a visitor control management plan before operation of the proposed development to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (f) in relation to condition (e) above, the implementation of the visitor control management plan to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (g) the submission and implementation of a drainage impact assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

- (h) 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 F-VII**.

6.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed use is not in line with the planning intention of the "GB" zone, which 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. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) the proposed use is not in line with the TPB PG-No. 10 for Application for Developments within the "Green Belt" Zone in that the applicant fails to demonstrate that the proposed development would not cause adverse ecological impacts on the surrounding areas.

7. Decision Sought

- 7.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 7.2 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.
- 7.3 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.

8. Attachments

Appendix F-I	RNTPC Paper No. A/TP/684 considered on 21.4.2023
Appendix F-II	Extracts of Minutes of the Committee meeting held on 21.4.2023
Appendix F-III	Secretary of the Board's letter dated 5.5.2023 informing the applicant of the Committee's decision to defer a decision on the application
Appendix F-IV	FI received on 20.6.2023 and 21.6.2023
Appendix F-V	FI received on 4.8.2023
Appendix F-VI	TPB PG-No. 10
Appendix F-VII	Recommended advisory clauses

Drawing FA-1	Concept plan of proposed development
Plan FA-1	Location plan
Plan FA-2	Site plan
Plan FA-3	Aerial photo
Plans FA-4a to A-4e	Site photos

PLANNING DEPARTMENT
AUGUST 2023