

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/325

<u>Applicant</u>	:	Awareness Spiritual Growth Centre Limited represented by Lawson David and Sung Surveyors Limited
<u>Site</u>	:	Lots 1556 (Part) and 1558 in D.D. 114, Shek Kong, Yuen Long, New Territories
<u>Site Area</u>	:	About 5,059 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Conservation Area” (“CA”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary “Camping Ground for Meditation Use” for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary camping ground for meditation use for a period of 3 years. The Site is currently used for the applied use with valid planning permission.
- 1.2 The Site is the subject of seven previous applications (No. A/YL-SK/161, 165, 176, 197, 206, 213 and 250) for the same applied use, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) from 2010 to 2019. The last application No. A/YL-SK/250 for the same applied use and submitted by the same applicant as the current application was approved with conditions by the Committee on 12.4.2019 for a period of 3 years. All approval conditions of it have been complied with. The validity of the planning permission is until 22.4.2022.

- 1.3 According to the information provided by the applicant, the development parameters of the current application are the same as that of the last application No. A/YL-SK/250 in terms of site area, layout, number of fixtures, occupied area and height of fixtures. The Site is used as a camping ground for secondary school and university students, and followers of the applicant to practice meditation. There are 14 fixtures with a total occupied area of about 217.6 m² and heights ranging from 0.37 m to 2.5 m placed/set up within the Site. The fixtures include 11 wooden boards that serve as sitting places for the meditation participants and 3 concrete-based/wooden board fixtures with Buddhist meditation decorations atop (occupying about 4.3% of the Site) (**Drawing A-1**).
- 1.4 There will be less than 10 meditation events held at the Site each year and there will be about 40 to 50 participants for each event. The events will normally be conducted during weekends and the duration will be about 1 to 2 days. Some meditation participants will tent overnight using canvas hiking tents and the tents will only be set up during the events and will be removed afterwards. All events will also adhere to the latest government guidelines and regulations on social gathering for COVID-19. There will be no open burning on the Site. They will only eat at the nearby public barbecue areas where rubbish bins and toilets are available. No loudspeaker will be used and the participants will occasionally chat during the events. Compensatory planting of 70 seedling trees had been provided on the Site, and the applicant will continue maintaining the existing trees and landscaping. The participants will take public transport, alight at Route Twisk and then walk to the Site. Plans showing the site layout and access leading to the Site submitted by the applicant are at **Drawings A-1** and **A-2**.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 17.2.2022 (**Appendix I**)
 - (b) Planning Statement (**Appendix Ia**)
 - (c) Further Information (FI) received on 14.4.2022 (**Appendix Ib**)
(accepted and exempted from publication)
- 1.6 In light of the special work arrangement for government departments due to the COVID-19 pandemic, all fieldwork were suspended during the special work arrangement, some relevant background information of the Site as well as comments from some relevant departments were not available. As such, the Committee agreed to defer consideration of the application on 1.4.2022 (the previous planning permission is valid up to 22.4.2022). The application is now 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 planning statement and FI at **Appendices Ia** and **Ib** respectively as summarized below:

- (a) the applied use is temporary in nature and no permanent buildings/structures will be erected on the Site. The Site is not identified as a site of ecological importance. The development is in line with the planning intention of the “CA” zone;
- (b) with the implementation of the compensatory planting in addition to the existing natural landscape resources conserved by the applicant, the applied use is not considered incompatible with the rural and tranquil character of its surrounding woodland environment. Furthermore, the applied use will help maintaining a harmonious rural environment by preserving and reinforcing the natural landscape of the area;
- (c) the applied use was approved by the Board with seven previous planning approvals at the same Site. It indicates that temporary camping ground use is considered acceptable at the Site. Since the applicant had complied with all the approval conditions of the previous applications, the applicant will continue using the Site in accordance with the terms and conditions as imposed by the Board; and
- (d) owing to the nature of the applied use, no adverse traffic, environmental and sewerage impacts are anticipated on the surrounding areas.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. **Background**

The Site is not subject to any active enforcement action.

6. **Previous Applications**

- 6.1 The Site is involved in seven previous applications (No. A/YL-SK/161, 165, 176, 197, 206, 213 and 250) for the same use at the Site submitted by the same applicant. Details of the applications are summarized in **Appendix III** while their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-SK/161 for temporary camping ground for meditation use was approved with conditions by the Committee on 26.11.2010 for a period of 1 year, instead of a period of 3 years sought, to monitor the situation at the Site on the consideration that it was not incompatible with the rural and tranquil character of its surrounding woodland environment and would not generate significant environmental impact on the surrounding areas; the Site was not identified as a site of ecological importance, and there was no felling of trees and the interference to the existing landscape character was minimal; and the relevant government departments consulted had no objection to the application generally.
- 6.3 Four applications (No. A/YL-SK/165, 176, 197 and 206) for the renewal of planning approval for the same applied use at the Site for a period of 1 year were approved with conditions by the Committee or the Board on review from 2011 to 2015 on similar considerations as Application No. A/YL-SK/161 (as detailed in paragraph 6.2 above) and the applications were generally in line with the Town Planning Board Guidelines on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'.
- 6.4 The last two applications No. A/YL-SK/213 and 250 for the same applied use at the Site were approved with conditions by the Committee on 22.4.2016 and 12.4.2019 respectively for a period of 3 years on similar considerations as mentioned in paragraph 6.2 above; there has been no major change in planning circumstances since the granting of the first approval in 2010.

7. **Similar Application**

There is no similar application within the same "CA" zone on the OZP.

8. **The Site and Its Surrounding Areas (Plans A-1 to A-4)**

- 8.1 The Site is:
 - (a) a piece of relatively flat land located at the mid-hill level;
 - (b) accessible via a vehicular road next to the catchwater, followed by a paved footpath and a natural trail leading from Route Twisk and Lui Kung Tin to its north;

- (c) covered by trees and grass with some scattered wooden boards and concrete fixtures; and
 - (d) currently used for the applied use with valid planning permission.
- 8.2 The surrounding areas are predominantly rural in character with densely-vegetated woodlands:
- (a) to its south uphill is Tai Lam Country Park;
 - (b) to its north is a catchwater, by the side of which is a vehicular road and some public barbecue areas. To the further north is the residential dwellings of Lui Kung Tin;
 - (c) to its east is a section of Kap Lung Ancient Trail which runs uphill from Lui Kung Tin; and
 - (d) to its south and west are unused lands and Tai Lam Country Park.

9. Planning Intention

- 9.1 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 the development is an essential project with overriding public interest may be permitted.
- 9.2 According to the Explanatory Statement of the OZP, the slopes at the southern part of the Planning Scheme Area of the OZP are zoned “CA” (covering the subject “CA” zone) for the purpose of giving added protection to the adjoining Tai Lam Country Park and Tai Mo Shan Country Park.

10. Comments from Relevant Government Departments

All the relevant government 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 in **Appendices IV and V** respectively.

11. Public Comment Received During Statutory Publication Period (Appendix VII)

The application was published for public inspection. During the statutory public inspection period, one public comment was received. An individual raises objection to the application mainly on the ground that the applied use causes adverse traffic impact on the surrounding area.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission for temporary ‘camping ground for meditation use’ for a period of 3 years in the “CA” zone. The planning intention of the “CA” zone is intended 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 “CA” zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted. Given that the applied use for temporary camping ground for meditation use does not involve tangible buildings or site formation but only wooden platforms or concrete fixtures mostly being placed on ground (occupying about 4.3% of the Site), it is considered that a temporary planning permission for 3 years would not frustrate the long-term planning intention of the “CA” zone.
- 12.2 The Site is situated at an inconspicuous location, being screened off from the surrounding areas by dense vegetation. The development comprising very minor fixtures such as wooden boards and concrete-based/wooden board fixtures with Buddhist meditation decorations is considered not incompatible with the surrounding areas which are predominantly rural in character with densely-vegetated woodlands. It is considered that the applied use would not generate significant environmental impact on the surrounding areas. No environmental complaint was received by DEP in the past three years. To prevent the addition of new fixtures/structures and any form of interference to the trees including felling/topping which could deteriorate the current natural site condition, relevant approval conditions are recommended in paragraphs 13.2(a) and (b) below.
- 12.3 The current application is for the renewal of the planning permission under Application No. A/YL-SK/250 for the same use for a further period of 3 years. The renewal is in line with TPB PG-No. 34D in that since the last approval, there has been no major change in planning circumstances; adverse planning implications arising from the renewal of the planning approval are not expected; concerned government departments have no objection to or no adverse comment on the application; and all the approval conditions under the previous approval have been complied with.

- 12.4 Relevant government departments consulted including C for T, DEP, CE/MN of DSD, D of FS, CTP/UD&L of PlanD and DAFC, have no objection to or no adverse comment on the application. As the Site is located near Tai Lam Country Park and a catchwater (**Plan A-2**), CE/Construction of WSD considers that no chemicals including fertilizers and pesticides are allowed to be used or stored within the Site. Relevant approval conditions, which are the same as those in Application No. A/YL-SK/250 including prohibiting the use of fertilizers and pesticides, are recommended in paragraphs 13.2(c) to (f) below for protecting the naturalness and tranquility of the surrounding environment. Non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority.
- 12.5 The Site is the subject of seven previous approved applications (No. A/YL-SK/161, 165, 176, 197, 206, 213 and 250) for the same applied use. There has been no major change in planning circumstances since the granting of the first approval in 2010. The last Application No. A/YL-SK/250 submitted by the same applicant for the same applied use was approved by the Committee on 12.4.2019 for a period of 3 years. All approval conditions have been complied with. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment on the application as detailed in paragraph 11 above, government departments' 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 comment mentioned in paragraph 11, the Planning Department has no objection to the application.
- 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, and be renewed from 23.4.2022 until 22.4.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no new fixture or structure is allowed to be placed/built on the Site during the planning approval period;
- (b) no trees within the Site are allowed to be interfered with by any means, felled or topped at any time during the planning approval period;
- (c) no open burning, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (d) no chemicals, including fertilizers and pesticides, are allowed to be used or stored on the Site at any time during the planning approval period;
- (e) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (h) 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 at **Appendix V**.

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

the development is not in line with the planning intention of the "CA" zone, which 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. No strong justification has been given in the submission for a departure from the planning intention, 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 for renewal of the planning 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form received on 17.2.2022
Appendix Ia	Planning statement
Appendix Ib	FI received on 14.4.2022
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Condition for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Conditions of working within water gathering ground
Appendix VII	Public comment
Drawing A-1	Layout plan
Drawing A-2	Access to the site
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
APRIL 2022**