

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

**APPLICATION NO. A/H7/176**

- Applicant** : The Hong Kong Jockey Club represented by Daniel Tong Chartered Architect & Associates Limited
- Premises** : 48 Shan Kwong Road, Happy Valley, Hong Kong
- Site Area** : 9,030 m<sup>2</sup> (about)
- Lease** : Inland Lot (I.L.) No. 3054  
(a) from 28.4.1930 for 75 years, renewable for further term of 75 years  
(b) no restriction on user except design and disposition clause and non-offensive trades clause
- Plan** : Approved Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/19
- Zoning** : “Residential (Group C)1” (“R(C)1”)  
  
Subject to a maximum plot ratio of 5 and maximum building height of 130mPD as stipulated on the OZP or the plot ratio and height of the existing building, whichever is the greater.
- Application** : Renewal of planning approval for temporary private club (recreation facilities) use under Application No. A/H7/163 for a period of 5 years until 1.5.2023

**1. The Proposal**

- 1.1 The applicant seeks planning permission for renewal of the temporary approval to continue the use of 48 Shan Kwong Road, Happy Valley (the Site) for temporary recreational facilities. The Site has been used as temporary recreational facilities for the use of the members of The Hong Kong Jockey Club (HKJC) since 1988. There were six previous applications for temporary recreational uses approved by the Town Planning Board (the Board). The latest planning permission (Application No. A/H7/163) is valid until 1.5.2018. The Site is zoned “R(C)1” on the approved Wong Nai Chung OZP No. S/H7/19 (**Plan A-1**). According to the Notes of the OZP for the “R(C)1” zone, ‘Private Club (Recreation Facilities)’ is a Column 2 use and planning permission from the Board is required.

- 1.2 The Site is located on a sloping area with two platforms. At present, there are 3 open-air tennis courts at the lower platform on the northern part of the Site, and 5 open-air tennis courts and 1 open-air practice court on the upper platform in the south (**Plans A-2 and A-3**). There is also a 4-storey sports complex (with squash court, golf simulator room, studio, changing rooms and toilets, snack bar, activity room, aerobic studio, sports equipment kiosk, stores and ancillary offices) located between the two platforms. The sports complex has a total gross floor area of about 1,605m<sup>2</sup> and a building height of 15.1m (or 69.6mPD).
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 1.3.2018 **(Appendix I)**
  - (b) Layout plan, floor plans, section plans and elevation plans for the applied use **(Appendix Ia)**
  - (c) Applicant's letter dated 10.4.2018 received on 11.4.2018 providing further justification on the renewal of planning approval **(Appendix Ib)**  
*[accepted and exempted from the publication and recounting requirement]*
- 1.4 A layout plan showing the recreational facilities on the Site and the floor plans, section plans and elevation plans for the sport complex submitted by the applicant are shown in **Drawings A-1 to A-8**.

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

The justifications put forth by the applicant in support of the application in Part 8 of the application form at **Appendix I and Appendix Ib** are set out below:

- (a) the renewal of planning permission for the temporary recreational facilities is required to maintain existing facilities for members of the HKJC pending completion of the additional clubhouse facilities at the adjacent HKJC Stable Block (I.L.8204) which is now named as Happy Valley Clubhouse Extension (HVCHE). The construction works of HVCHE are still in progress with tentative operation date by 2020-2021. The extension of the temporary use at the Site to support the service is necessary to provide a transition time for smooth operation of the new facilities at HVCHE. It is therefore planned to have HVCHE operate for a few years before proceeding with any further development options at the Site in order to minimise impact to the neighborhood; and
- (b) the redevelopment programme of the Site is still at the planning stage and exploration of various possible options such as clubhouse, recreational and sports facilities and/or residential is underway. HKJC expects to finalise a redevelopment proposal in the near future before the expiry of the planning approval.

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

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

### **4. Town Planning Board Guidelines**

4.1 According to Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B), the criteria for assessing applications for renewal of planning approval are as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

### **5. Background**

5.1 The Site and its opposite site (i.e. 25 Shan Kwong Road) are under private ownership of HKJC. They were zoned “Other Specified Uses” (“OU”) annotated “Stable” on the first statutory plan covering the Wong Nai Chung area (i.e. draft Wong Nai Chung OZP No. LH7/6) in 1969. The Site was occupied previously by two stable blocks since 1930. In view of race course development at Shatin in 1980s, HKJC considered that these stables at the Site were no longer required. Upon the request by HKJC, the Board agreed on 20.2.1981 to rezone the Site from “OU” to “R(C)”. The amendment was incorporated on the draft Wong Nai Chung OZP No. LH7/7D gazetted on 29.5.1981.

## **6. Previous Applications**

- 6.1 Six previous s.16 applications for the same use of temporary recreational facilities on the Site were approved by the Board. Details are as follows:
- (a) Application No. A/H7/56 was approved on 13.5.1988 with an approval period of 10 years until 1.5.1998 and the applicant is advised to implement measures to reduce the possible environmental nuisance to the residents at 22-40 Shan Kwong Road as far as possible;
  - (b) Application No. A/H7/75 was approved on 6.9.1991 for modification of the previously approved scheme. The approval remained valid until 30.4.1998;
  - (c) Application No. A/H7/101 for extending the time period for temporary recreational facilities use cum utility installation for private project (electric substation) was approved on 20.9.1996 with an approval period of 5 years from 1.5.1998 to 1.5.2003;
  - (d) Application No. A/H7/139 was approved on 27.9.2002 with an approval period of 5 years from 1.5.2003 to 1.5.2008;
  - (e) Application No. A/H7/147 was approved with condition on 1.2.2008 with an approval period of 5 years from 1.5.2008 to 1.5.2013 and an approval condition of provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Board. The approval condition has been complied with; and
  - (f) Application No. A/H7/163 was approved on 1.3.2013 with an approval period of 5 years from 2.5.2013 to 1.5.2018 (the approval letter is at **Appendix II**).
- 6.2 Based on the information submitted by the applicant, the current scheme is the same scheme as submitted under the last approved application, i.e. Application No. A/H7/163.

## **7. Similar Application**

There is no similar application for temporary private club (recreation facilities) within "R(C)1" zone on the OZP.

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

- 8.1 The Site is:
- (a) currently occupied by recreational facilities of the HKJC as mentioned in paragraph 1.2 above; and
  - (b) accessible via Shan Kwong Road.
- 8.2 The surrounding areas have the following characteristics:

- (a) to its north and north-west are medium to high-rise residential developments with a mixture of government, institution or community (GIC) facilities and other specified uses (e.g. Po Kok Primary School, Tung Lin Kok Yuen and the Jewish Cemetery);
- (b) to its east across Shan Kwong Road is the HKJC Happy Valley Clubhouse and HVCHE (work in progress); and
- (c) to its south and south-west are steep slopes zoned “Green Belt”.

## **9. Planning Intention**

The planning intention of the “R(C)1” zone in Happy Valley area is intended primarily for low to medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

10.1 The following government departments have been consulted and their views on the application and the public comments received are summarized as follows:

### Land Administration

10.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) no comment on the application subject to the execution of the Offensive Trade Licence and registration of the same in the Land Registry;
- (b) the Site falls on I.L. 3054 which is held under Government Lease dated 29.9.1933 (the Lease). The Lease does not have any user restriction but contains a Design and Disposition Clause and non-offensive trade clause. Approval has been given to an application for Offensive Trade Licence; and
- (c) please note that the proposal submitted by the applicant does not conflict with the lease conditions governing the Site and so if the proposal is approved by the Board, the applicant is not required to seek a lease modification from LandsD to implement it. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

### Building Matters

10.1.2 Comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (CBS/HKE&H, BD):

- (a) no objection to the application; and

- (b) Temporary Building Permit No. 5/88 for the building on the Site will expire on 1.5.2018 and its renewal application has been received and processed in due course.

Architectural and Visual Aspect

10.1.3 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) no comment from architectural and visual impact point of view; and
- (b) the application involves no changes to the building height and massing.

Fire Safety

10.1.4 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (c) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by his department at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.

Environmental Aspect

10.1.5 Comments of Director of Environmental Protection (DEP):

- (a) no objection to the application; and
- (b) there is no change in the proposed use and site layout when compared to the previous approved application (No. A/H7/163). Hence, the renewal of planning approval for a period of 5 years is unlikely to result in any adverse environmental impact.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (c) Chief Highway Engineer/Hong Kong, Highways Department;
- (d) Chief Engineer/Development(2), Water Supplies Department;
- (e) District Officer (Wan Chai), Home Affairs Department; and

- (f) Chief Town Planner/Urban Design and Landscape, Planning Department.

## **11. Public Comments Received During the Statutory Publication Period**

On 9.3.2018, the application was published for public inspection. During the three weeks statutory public inspection period, which ended on 3.4.2018, one public comment on the application was received. The public comment (**Appendix III**) considered that the Site should be handed back after the HVCHE has commissioned in 2019 such that the approval period should be shortened and all or part of the Site should be used to provide public recreational facilities to address the deficit in Wan Chai District.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for the renewal of the planning permission for the temporary 'Private Club (Recreation Facilities)' use at the Site. The proposed temporary use is not in line with the planning intention of the 'R(C)1' zone, which is intended primarily for low to medium-density residential developments. However, it is noted that the applicant, which is the sole owner of the Site, intends to continue the existing temporary uses at the Site pending the completion of HVCHE in 2020-2021 and the extension of the temporary use for a period of 5 years is necessary to provide a transition time for smooth operation of the new facilities at HVCHE. While the construction works of HVCHE is still in progress, the applicant has planned that HVCHE will be operated for a few years before any future development options at the Site would be proceeded in order to minimise its impact on the neighborhood. Meanwhile, the applicant is exploring various possible redevelopment options for the Site such as clubhouse, recreational and sports facilities and/or residential use and expects to finalise a redevelopment proposal before expiry of the approval period under application. In this regard, it is considered that the approval of the renewal application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the "R(C)1" zone on the OZP.
- 12.2 The proposed temporary use is considered not incompatible with the surrounding areas, which are predominantly a residential neighbourhood with mixture of GIC facilities and other specified uses such as school, monastery, private club and cemetery. All concerned government departments have no adverse comment on the application.
- 12.3 The renewal application also complies with the relevant assessment criteria in TPB PG-No. 34B in that:
- (a) six planning permissions were previously granted for temporary private club (recreation facilities) on the Site. There has been no change in the planning circumstances and the land uses of the surrounding areas since the last temporary approval was granted on 1.3.2013; and
  - (b) although the new facilities at HVCHE are scheduled for operation in 2020-2021, the applicant has clarified that a transition time is needed to

ensure smooth operation of the new facilities. Approval period of 5 years, which is the same as that in the last previous application, is therefore considered reasonable.

- 12.4 Regarding the public concerns on the shortfall of the recreational facilities in Wan Chai District, it should be noted that there are about 50ha of existing open space, 4 sports grounds and 3 sports centres in Wan Chai District, which are sufficient to meet the population of Wan Chai District according to the Hong Kong Planning Standards and Guidelines. The Leisure and Cultural Services Department will plan for the mix of active recreational uses that could best meet the needs of the target community.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments 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 further period of 5 years until 1.5.2023. The following condition of approval and advisory clauses are suggested for Members' reference:

#### Approval Condition

- (a) the provision of fire service installations and water supplies for firefighting within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.10.2018; and
- (b) if the above planning condition 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.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 13.3 There is no strong reason to recommend rejection of the application.

### **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 reasons for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application form received on 1.3.2018
<b>Appendix Ia</b>	Layout Plan, Floor Plans and Section Plans for the Applied Use
<b>Appendix Ib</b>	Applicant's letter dated 10.4.2018
<b>Appendix II</b>	Secretary, Board's Approval Letter dated 15.3.2013
<b>Appendix III</b>	Public Comments received During the Statutory Publication Periods
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-8</b>	Layout Plan, Floor Plans, Section Plans and Elevation Plans Submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2018**