

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

**APPLICATION NO. A/ST/969**

- Applicant** : The Hong Kong Jockey Club (HKJC) represented by Masterplan Limited
- Site** : Northwestern Part of Penfold Park, Sha Tin Racecourse, Sha Tin, New Territories
- Site Area** : About 4,540m<sup>2</sup>
- Lease** : (a) STTL No. 590 (New Grant No. 22387)  
(b) restricted to (i) horse-racing, including a racecourse and racing-related facilities, together with the facilities provided to support the operations of betting; (ii) charity and nonprofit-making activities other than horse-racing and betting purposes; (iii) a members' club includes commercial, retail, catering, social functions and other recreational activities as are not directly related to horse-racing and betting purposes; (iv) quarters to be used for the residential accommodation of horse-racing related personnel; and (v) the Penfold Park.
- Plan** : Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
- Zoning** : "Other Specified Uses" annotated "Race Course" ("OU(Race Course)")
- Application** : Proposed Place of Recreation, Sports or Culture (Equine Experience Centre)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plan A-1**) for a proposed Place of Recreation, Sports or Culture (Equine Experience Centre) use during non-race days. According to the Notes of the OZP, 'Place of Recreation, Sports or Culture' is a Column 2 use in the "OU(Race Course)" zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Site, with a total area of about 4,540m<sup>2</sup>, is located at the northwestern part of Penfold Park. It is currently occupied by walking paths, a children's playground and sitting out areas.
- 1.3 The proposed Equine Experience Centre (the Centre) is an education and experience facility offering pony care sessions, pony rides and photo opportunities (**Appendix Ib**). It is designed to educate and foster an interest in equine activities and targeted for school-aged children and general public. The

opening hours will be compatible with that of the race course operation and Penfold Park. The experience will span up to 2 hours, for up to a maximum of 30 people, in each of the 2 sessions per day. The actual advance booking arrangement and operation will be subject to detailed consideration at a later stage, taking account of community's needs, horse welfare and morning track works. Rates and charges imposed by the Leisure and Cultural Services Department (LCSD) for the existing public riding schools in Hong Kong will be used as reference.

1.4 The proposed Centre comprises an administration block, a lecture space, a stable block, four pavilions for kids' activities, mounting/dismounting of ponies and pony photo shooting spot. The proposed structures are small, limited to one storey and scattered to facilitate visitors' and ponies' movements. Except the administration building and the stable, all structures are of open-sided pavilion type design allowing visitors to enjoy open setting of the Penfold Park and the race course. The Site will be delineated from the majority of Penfold Park by means of fencing, landscaping or other structures in a natural manner to maintain the holistic park environment. There will be no flood light provided within the Site and the public address systems will be restricted to the respective part of the Site and not extensive. The proposed site plan, layout plan, architectural conceptual plan, section plan and landscape concept plan of the proposed development submitted by the applicant are shown in **Drawings A-1 to A-5**.

1.5 The proposed development parameters are as follows:

Site Area	About 4,540m <sup>2</sup>
No. of Structures	7
GFA	1,295m <sup>2</sup>
Plot Ratio	0.285
Site Coverage	29.6%
Building Height	8.40mPD to 12.23mPD
No. of Storey	1 storey

1.6 There are 162 trees within and immediately adjacent to the Site. All existing trees within the Site are of common species. No old and valuable trees (OVT) or tree of large size (i.e. DBH >1m) is found within the Site. The proposal will retain 79 trees and fell 83 trees, with compensatory tree planting to be provided within Penfold Park at a ratio of 1:1 in terms of number where appropriate to enhance the landscape of Penfold Park.

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

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|--|----------------------|
| (a) Application form received on 28.2.2019         | <b>(Appendix I)</b>  |
| (b) Planning Statement                             | <b>(Appendix Ia)</b> |
| (c) Visitors' Experience Drawing                   | <b>(Appendix Ib)</b> |
| (d) Further information (FI) received on 28.3.2019 | <b>(Appendix Ic)</b> |
| (e) FI received on 6.6.2019                        | <b>(Appendix Id)</b> |
| (f) FI received on 3.7.2019                        | <b>(Appendix Ie)</b> |

- 1.8 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) on 12.4.2019. Upon request by the applicant, the Committee agreed to defer a decision on the application for two months on 12.4.2019. The applicant subsequently submitted FIs in response to the departmental comments received (**Appendices Ic to Ie**). The application is re-scheduled for consideration by the Committee on 2.8.2019.

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

The justifications put forth by the applicant in support of the application are detailed in the planning statement at **Appendix Ia** and FIs at **Appendices Ic to Ie**. They can be summarized as follows:

- (a) the proposed use is to provide recreational facilities serving the public, which is in line with the planning intention of the “OU(Race Course)” zone;
- (b) the proposal will encourage horse riding as a sport, by offering interactions with ponies, and riding experiences to the people of Hong Kong. The proposal will also add value to Penfold Park and contribute to visitors’ experience;
- (c) the proposal was presented to the Development and Housing Committee (DHC) of Sha Tin District Council (STDC) by the HKJC on 6.7.2017 and 3.5.2018. The proposal was welcomed and supported by the DHC of STDC as the proposed Centre will become a popular community facility for public enjoyment;
- (d) the Site occupies no more than 5% of the total Penfold Park area. The layout design will blend in with the rest of Penfold Park. Careful considerations have been given to the building siting, height and dimensions, materials and colours, together with tree planting and landscape design, for the benefits of the existing race course patronage and the future Penfold Park visitors;
- (e) the Site is centrally located in the New Territories, close to major transport routes, with good public transport access encouraging use of the facilities. The opening hours of the proposed Centre will be compatible with that of the race course operation and Penfold Park. Reference to best practices from similar activities and working modules will be made where applicable or necessary;
- (f) the proposed Centre will operate during non-race days through a booking system to provide activities that spans up to 2 hours for up to a maximum of 30 people per session. The generated traffic would be low. Significant impact on the existing traffic and parking arrangements and the surrounding road network is not anticipated;
- (g) there will be a charge for booking activities of the proposed Centre by making reference to LCSD’s public riding schools in Hong Kong. The charge will assist to reduce the number of ‘no-shows’;
- (h) to ensure animal safety and hygiene, the safety and enjoyment of the visitors, and operational need of the proposed Centre, the Site will be delineated from the majority of Penfold Park by means of fencing, landscaping or other structures in a natural manner to maintain the holistic park environment;

- (i) the provision of toilets, drinking fountains, vending machines and children play facilities within the park will be further improved and upgraded upon completion of improvement works at the Penfold Park to cater for the additional visitors. In response to STDC's request and as part of the Penfold Park improvement plan, a dog park will be designated within the park in future to enhance public safety and provide an enjoyable environment for dogs as well as families and kids;
- (j) a mixture of mitigation measures (e.g. applying silencers or mufflers on the construction equipment; using site hoardings to mitigate visual impact and deploying temporary noise barriers, etc.) will be implemented during construction works to minimise disturbance to the roosting ardeids. The mitigation measures will make reference to the Hong Kong Bird Watchers Society (HKBWS) Guidelines and tailored to suit the Penfold Park situation; and
- (k) the schedule of the construction works will be staggered so that those excavation and more disturbing works will only take place during the non-breeding season, namely, from September to February. The applicant will seek help from HKBWS to establish the proactive mitigation measures to forestall any direct impact on the bird species.

### 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. **Previous Application**

There is no previous application at the Site.

### 5. **Similar Application**

There is one similar application (No. A/ST/961) for 'Place of Recreation, Sports or Culture' use within the same "OU(Race Course)" zone on the OZP, which was approved with conditions by the Committee on 21.12.2018 on the consideration that the proposed use is in line with the planning intention and supported by STDC; and adverse impact on traffic, environment and visual aspects is not anticipated.

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

6.1 The Site is:

- (a) located at the northwestern fringe of the Penfold Park between the entrance plaza and the paddocks;
- (b) currently accommodating walking paths, children's playground and sitting out areas;

- (c) generally flat, and some trees and shrubs are found within the Site (**Plan A-4**); and
- (d) accessible by a pedestrian subway and footbridges connecting to the carpark and the MTR Fo Tan Station.

6.2 The surrounding areas have the following characteristics:

- (a) to the north and northwest of the Site are the race track and grandstand;
- (b) to the southwest of the Site are the race track and Olympic Stable;
- (c) to the east and northeast of the Site are the race track, stables and race course facilities; and
- (d) to the south and southeast of the Site are the race track, cycle track and Shing Mun River Channel.

## 7. **Planning Intention**

The “OU(Race Course)” zone is intended primarily to provide/reserve land for race course and its ancillary uses, and provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of the local residents as well as the general public.

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

8.1 The following Government bureau/departments have been consulted and their views on the application are summarised as follows:

### **Policy Aspect**

8.1.1 Comments of the Secretary for Home Affairs (SHA):

- (a) he has no objection in-principle to the application; and
- (b) the HKJC should be reminded of its previous commitment that the proposed facilities should be an upgrade to the Penfold Park with an aim to enhance the public enjoyment and hence the detailed operation model should be developed in due course in accordance with its aim.

### **Land Administration**

8.1.2 Comments of the District Lands Officer/Shia Tin, Lands Department (DLO/ST, LandsD):

- (a) the Site is situated on Sha Tin Town Lot No. 590, and is governed under New Grant No. 22387 (“the New Grant”). Under the New Grant, the lot shall not be used for any purpose other than (i) horse-

racing, including a racecourse and racing-related facilities, together with the facilities provided to support the operations of betting; (ii) such charity and non-profit-making activities other than horse-racing and betting purposes as may first be approved by LandsD; (iii) a members' club includes commercial, retail, catering, social functions and other recreational activities as are not directly related to horse-racing and betting purposes; and (iv) quarters to be used for the residential accommodation of horse-racing related personnel and such other purposes as may first be approved by LandsD; and (v) the Penfold Park. The Grantee shall throughout the term develop and maintain the Penfold Park as shown and marked on the Approved Master Layout Plans for the use of all members of the public free of costs for recreational purposes the nature of which shall have regard to the Grantee's requirements for the security of the remainder of the lot and the Grantee's requirement for the operation of horse-racing but shall in all aspects be to the satisfaction of the SHA or his/her delegated officer; and

- (b) if the planning application is approved by the Board, the lot owner has to apply to LandsD for an amendment of the Master Layout Plan approval for felling or pruning of trees or such modification to the lease conditions (if required). However, there is no guarantee that the application(s) must be approved. Such application(s), if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion and any approval would be subject to such terms and conditions as may be imposed by LandsD.

### **Traffic**

#### 8.1.3 Comments of the Commissioner for Transport (C for T):

he has no objection from traffic engineering perspective taking into account the traffic note submitted by the applicant at **Appendix Ia**.

### **Fire Safety**

#### 8.1.4 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in-principle to the application subject to:
  - (i) fire service installations and water supplies for firefighting being provided to the satisfaction of Fire Services Department (FSD); and
  - (ii) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans, if applicable; and
- (b) as no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by FSD 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 the Buildings Department.

### **Building Matters**

8.1.5 Comments of the New Territories East (1) and Licensing Section, Buildings Department (CBS/NTE1&L of BD):

- (a) he has no objection to the application subject to:
  - (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (ii) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety requirements as may be imposed by the licensing authority;
  - (iii) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage; and
  - (iv) in connection with paragraph 8.1.4(a)(i) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with regulations 5 and 41D of the Building (Planning) Regulations respectively; and
- (b) detailed comments on compliance with the BO will be carried out upon receipt of submission of general building plans.

### **Urban Design and Landscape Aspects**

8.1.6 Comments from the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

#### *Urban Design and Visual*

- (a) given that the objective of the proposal is to enhance the existing facilities for community recreation at Penfold Park, and the proposed Centre comprising mainly of outdoor open-air public space for recreational uses serving the needs of the community and the general public, she has no in-principle planning objection from an urban design perspective to the application on the following grounds:

- (i) compatibility with existing/planned land use of the “OU (Race Course)” zoning;
  - (ii) no significant visual impact is anticipated with the scale of the proposed building structures, stable and open-sided pavilions being kept relatively small in terms of site coverage (i.e. no more than 5 % of Penfold Park) and height; and
  - (iii) the visual amenity of the new built structures have been well compensated and further enhanced by a landscape strategy in aim to minimise tree impact with compensatory planting proposal;
- (b) the applicant should consider the use of other visual mitigation measures (such as screen planting, roof green or vertical greening strategy etc. where applicable) for the administration block and stable to further minimise respective visual impacts on nearby visual sensitive receivers (including viewers from the spectators stand at the race course) and capture the opportunity to enhance the user experiences of Penfold Park;

#### *Landscape*

- (c) she has no objection to the application from the landscape planning perspective;
- (d) all existing trees within the Site are of common species. No OVT or tree of large size (i.e. DBH >1m) is found within the Site. Approx. 83 nos. of existing trees are proposed to be removed due to direct conflict with the proposed development. Majority of the affected trees are *Livistona Chinensis* and *Terminalia Mantaly*, which are common exotic tree species in Hong Kong. Compensatory tree plantings will be provided within Penfold Park at a ratio of 1:1;
- (e) the proposed use is considered not incompatible with the surrounding environment and significant adverse impact arising from the proposed use on existing landscape resources is not anticipated;
- (f) the applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO/ST, LandsD for approval; and
- (g) the applicant should make reference to the information published by the Greening, Landscape and Tree Management Section of Development Bureau on general tree maintenance and tree risk management.



### **Environment**

#### 8.1.7 Comments of the Director of Environmental Protection (DEP):

taking into account the FIs submitted by the applicant at **Appendices Ic to Id**, he has no further comment on the application from environmental protection perspective.

### **Nature Conservation**

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

taking into account the FIs submitted by the applicant at **Appendices Ic to Ie**, he has no further comment on the application subject to the provision of a complete mitigation plan by the applicant before the commencement of works.

#### 8.2 The following Government departments have no objection to/comment on the application:

- (a) District Officer/Shau Tin, Home Affairs Department (DO/ST, HAD);
- (b) Director of Leisure and Cultural Services;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department; and
- (e) Project Manager/North, Civil Engineering and Development Department

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

On 8.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four supporting comments were received from STDC Members and members of the general public, while ten comments were received from the Hong Kong Bird Watching Society, a STDC Member and members of the general public object to the application. Details of the public comments are at **Appendix II** and their views are summarized as follows:

### *Supporting view (4)*

- (a) pony riding facilities for kids is inadequate in Hong Kong. The incorporation of pony riding facilities for children within the Penfold Park is strongly supported;
- (b) while Penfold Park should be kept as dog-friendly, a designated dog-free zone should be considered within the Penfold Park for the enjoyment for families and kids;
- (c) the HKJC has consulted the STDC on the proposed development. The proposal provides more facilities and opportunity to foster an interest in equine activities, and offers training opportunities. The proposal will further improve the facilities in Penfold Park, and provide various sports and recreation opportunities for the enjoyment of the community;

Objecting views (10)

- (d) the proposal will reduce the area of the existing dog park and green space currently enjoyed by many families and their pets. The area of the proposed Centre should be restricted to the least feasible size (i.e no more than 5% of the total Penfold Park area) in order not to affect the open area and current users of the Penfold Park. Restrictive areas on pets should not be imposed;
- (e) there is a long waiting time for car parking due to the increasing number of visitors. The car parking area should be increased prior to the development of the Centre;
- (f) supporting facilities such as toilet cubicles, drinking fountain, vending machine, lighting system and playground equipment should be improved to cater the additional number of visitors to the proposed Centre and Penfold Park. More trees and landscaping should be provided for the community's enjoyment; and
- (g) the Penfold Park egret, which is within 100m from the Site, is an important egret in Hong Kong and should be an important ecological habitat. The lighting, human activities and noise generated during construction phase will cause disturbance to the egret. There is no mitigation measure proposed by the applicant.

**10. Planning Considerations and Assessments**

- 10.1 The application is for proposed Place of Recreation, Sports or Culture (Equine Experience Centre) use at a site zoned "OU(Race Course)" on the OZP. The proposed Centre is an education and experience facility targeted for school-aged children and general public to educate and foster an interest in equine activities. It is generally in line with the planning intention of the "OU(Race Course)" zone, which is intended primarily to provide/reserve land for race course and its ancillary uses, and provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of the local residents as well as the general public. SHA has no objection in-principle to the application.
- 10.2 The proposal, together with the existing paddocks, will better utilise the Penfold Park during non-race days to serve the visitors and general public. The opening hours of the proposed Centre will be compatible with that of the race course operation and Penfold Park, and an advance booking arrangement will be in place to manage the flow of visitors.
- 10.3 The scale of the proposed administration building, stable and open-sided pavilions are relatively small and limited to one storey. All proposed structures are scattered to allow visitors to interact with the ponies in an open setting of the Penfold Park and the race course. The visual amenity of the new built structures have been well compensated and further enhanced by a landscape strategy in aim to minimise tree impact with compensatory tree planting proposal. All existing trees within the Site are of common species. No OVT or tree of large size is found within the Site. As no significant visual and landscape impact is anticipated, CTP/UD&L, PlanD has no adverse comment on the application.

- 10.4 According to the applicant, there is no flood light provided within the Site and the public address systems will be restricted to the respective part of the Site and not be extensive. In this regard, DEP has no objection in principle to the application from environmental protection perspective. Taking into account the FIs submitted by the applicant at **Appendices Ic to Ie**, AFCD has no adverse comment on the application from nature conservation perspective subject to the provision of a complete mitigation plan by the applicant before the commencement of works. Furthermore, it is anticipated that the proposed Centre operating during non-race days will not induce any significant impact to the existing car parking arrangement, and surrounding traffic and pedestrian network. C for T has no objection to the application from traffic engineering perspective. Other concerned departments including CBS/NTE1&L of BD, DO/ST, HAD and DLO/ST, LandsD have no objection to or no adverse comment on the application.
- 10.5 The HKJC has consulted the DHC of STDC on 6.7.2017 and 3.5.2018 regarding the proposed Centre in Penfold Park, and the proposal was welcomed and supported by DHC of STDC.
- 10.6 There are adverse public comments on the application as detailed in paragraph 9 above. In this regard, departmental comments and the planning assessment above are relevant. In addition, the applicant has clarified that a dog park will be designated within Penfold Park and the provision of supporting facilities within the park will be further improved and upgraded upon completion of improvement works at the Penfold Park to cater for the additional visitors. The HKJC has also consulted the DHC of STDC on 6.7.2017 and 3.5.2018 regarding the proposed Centre in Penfold Park, and the proposal was welcomed and supported by DHC of STDC.

## 11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, the permission shall be valid until 2.8.2023, 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 and implementation of the fire service installations and water supplies for firefighting before the operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the provision of a complete mitigation plan before the commencement of works to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board.

### Advisory Clauses

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

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

## **12. Decision Sought**

12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 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**

Appendix I	Application form received on 28.2.2019
Appendix Ia	Planning statement
Appendix Ib	Visitors' experience drawing
Appendices Ic to Ie	FI received on 28.3.2019, 6.6.2019 and 3.7.2019
Appendix II	Public comments
Appendix III	Recommended advisory clauses
Drawing A-1	Site plan
Drawing A-2	Layout plan
Drawing A-3	Architect conceptual plan
Drawing A-4	Section plan
Drawing A-5	Landscape concept plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos