

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

**APPLICATION NO. A/HSK/158**

- Applicant** : Ms. Lo Jan Mung represented by Sun Cheong Management Consultant Ltd.
- Site** : Lot 1149 (Part) in D.D. 125, Yuen Long, New Territories
- Site Area** : 840m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Village Type Development” (“V”)  
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Private Club for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary private club for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Private Club’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for the use for a period of 3 years. The Site is currently deposited with some construction materials and obsolete vehicles.
- 1.2 The Site is accessible from San Sik Road via a local track and the ingress/egress point is its north-western boundary (**Drawing A-1 and Plans A-1 to A-3**). As shown on the layout Plan at **Drawing A-2**, three temporary structures with a total floor area of 386m<sup>2</sup> are proposed. They include a 2-storey (7.5m high) structure for multi-function room (floor area not exceeding 223m<sup>2</sup>), a single-storey (7.5m high) structure for office and store room (floor area not exceeding 113m<sup>2</sup>), and a single-storey rain shelter (4m high) (floor area not exceeding 50m<sup>2</sup>) providing cover for 4 private vehicle parking spaces. Landscaping will be provided at the southern portion of the Site. The operation hours are from 8:00 a.m. to 11:00 p.m. daily (including Sundays and public holidays). According to the applicant, the association members will mainly use public transport services and walk to the

club. The estimated number of association members visiting the proposed development will be about 10-20 persons per day. The proposed drainage plan submitted by the applicant is at **Drawing A-3**.

- 1.3 According to the applicant, the proposed development is intended as a place for recreational and social purposes of the “Association of New Territories Environment” (新界環境關注協會) registered under the Societies Ordinance (Cap. 151). The main purposes of the association are to promote green living spaces and to reduce environmental pollution, by organising events and exhibition in a non-profit-making manner on environmental/greening issues.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 17.5.2019 with proposed layout plan, drainage plan and supplementary statement **(Appendix I)**
  - (b) Supplementary information from the applicant received on 22.5.2019 providing the certificate of registration of the concerned Association under the Societies Ordinance and the constitution and bylaws of the Association **(Appendix Ia)**
  - (c) Further information (FI) from the applicant received on 13.6.2019 clarifying the operation hours and providing trip generation rate of the proposed development and pedestrian access arrangement [*accepted and exempted from publication and recounting requirements*] **(Appendix Ib)**
  - (d) FI from the applicant received on 21.6.2019 providing vehicular access arrangement [*accepted and exempted from publication and recounting requirements*] **(Appendix Ic)**

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

The justifications put forth by the applicant in support of the application are provided in the supplementary statement attached to the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The proposed development is a temporary use which would not jeopardize the long term planning intention of the “V” zone.
- (b) The Site is not subject to any land transaction being proposed by the Land Authority for the conversion into low density residential use.
- (c) The nature, form and layout of the proposed development are compatible with the surrounding environment. It would not affect the character of the indigenous village.
- (d) The proposed development will not have adverse drainage, traffic, environmental and visual impacts on the surrounding uses.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by posting site notice and sending notice to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The storage use on the Site may be subject to planning enforcement action.

**5. Previous Application**

There is no previous application covering the Site.

**6. Similar Application**

There is no similar application within the subject “V” zone on the OZP.

**7. The Site and Its Surrounding Areas (Plan A-1 to Plan A-4)**

7.1 The site is:

- (a) currently deposited with some construction materials and obsolete vehicles; and
- (b) accessible from San Sik Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its north is a cluster of village houses in Tseung Kong Wai while to its further north are office and storage uses, and some open storages of converted containers, recycling and construction materials;
- (b) to its east are a vehicle park and a cluster of village houses in Tseung Kong Wai;
- (c) to its south are a residential house, storage and office uses and a vehicle park; and
- (d) to its west is a piece of vacant land while to its further west are some residential dwellings and open storage of construction materials, machinery and generators.

**8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is

primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

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

9.1 The following Government departments have been consulted and their views on the application and public comments are summarized as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Lot No. 1149 in D.D. 125 is covered by Short Term Waiver No. 4569 (STW4569) for the purposes of Temporary Shop and Services (Real Estate Agency).
- (c) The Site is accessible from San Sik Road through Government Land (GL) and private lots. His office does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) According to his record, there are no Small House applications approved/under processing for the Site, and there are 13 small house applications approved and no small house applications under processing in the area within 30 meters from the Site.
- (f) Should the application be approved, the STW holder will need to apply to his office for modification of the STW conditions where appropriate. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

### **Traffic**

9.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- (c) The local track leading to the Site is not under TD's purview. The applicant is advised to obtain consent of the owner/managing departments of the local track for using it as the vehicular access to the Site.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site.

### **Drainage**

9.1.4 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the development from a drainage point of view.
- (b) Should the application be considered acceptable from the planning point of view, a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of this Division.
- (c) His detailed comments on the submitted drainage proposal are at **Appendix II**.

### **Environment**

9.1.5 Comment of the Director of Environmental Protection (DEP):

- (a) For a properly designed and managed private club of the proposed scale, it would unlikely cause any adverse environmental impact to the surroundings. He has no comment on the application from environmental planning perspectives.
- (b) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

### **Building Matters**

9.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (c) The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation respectively.
- (d) 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.

### **Fire Safety**

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

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **District Officer's Comments**

9.1.8 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comments from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD);
- (b) Commissioner of Police (C of P); and
- (c) Chief Engineer/Development (Construction), Water Supplies Department (CE/C, WSD).

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

On 24.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 14.6.2019, 3 public comments were received from individuals. They object to the application on the grounds that the proposed development is too close to residential development, access road is too narrow that would lead to safety and fire hazard, would affect environmental hygiene, block the access by emergency vehicles and generate adverse drainage impact to the surrounding areas (**Appendices IIIa to c**).

## **11. Planning Considerations and Assessment**

- 11.1 The application is for proposed temporary private club for a period of 3 years at a site zoned "V" on the OZP. The planning intention of "V" zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Although the temporary private club is not entirely in line with the planning intention of the "V" zone, it is an organisation with the objective of promoting environmental/greening issues according to the constitution of the association (**Appendix Ia**). DLO/YL of LandsD advises that no Small House application has been received for the Site. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.
- 11.2 The proposed temporary use is not incompatible with the existing land use for the area, which is predominately occupied by village houses with storage use scattered at the fringe of Tseung Kong Wai.
- 11.3 In view of the small scale of the temporary development with a floor area of about 386m<sup>2</sup>, it is unlikely that the development would generate adverse traffic or environmental nuisance to the surrounding areas. Relevant Government departments, including DEP, AC for T/NT of TD and CE/MN of DSD have no

adverse comment on the application. Significant environmental, traffic and drainage impact to the area is not expected.

- 11.4 Relevant approval conditions have been recommended in paragraph 12.2 to minimize any possible nuisances or to address the technical requirements of the concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised development on Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.5 Three public comments were received objecting to the application mainly on grounds stated in paragraph 10 above. The planning considerations and assessments in the above are relevant.

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

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the proposed temporary private club for a period of 3 years.
- 12.2 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 3 years until **5.7.2022**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of a revised drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **5.1.2020**;
- (c) in relation to (b) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **5.4.2020**;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted landscape proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **5.4.2020**;
- (f) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **5.1.2020**;



- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **5.4.2020**;
- (h) if any of the above planning conditions (a) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (b), (c), (e), (f) or (g) is not complied with by the above 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**.

- 12.3 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 "Village Type Development" zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong justification to deviate from the planning intention, even on a temporary basis.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

**14. Attachments**

- Appendix I** Application Form received on 17.5.2019 with proposed layout plan, drainage plan and supplementary statement
- Appendix Ia** Supplementary information from the applicant received on 22.5.2019 providing the certificate of registration of the concerned Association under the Societies Ordinance and the constitution and bylaws of the Association
- Appendix Ib** Further information (FI) from the applicant received on 13.6.2019 clarifying the operation hours and providing trip generation rate of the proposed development and pedestrian

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| <b>Appendix Ic</b>          | access arrangement<br>FI from the applicant received on 21.6.2019 providing vehicular access arrangement |
| <b>Appendix II</b>          | Drainage Services Department's detailed comments on the submitted drainage proposal                      |
| <b>Appendices IIIa to c</b> | Public comments received during publication period   |
| <b>Appendix IV</b>          | Advisory Clauses   |
| <b>Drawing A-1</b>          | Vehicular Access to the Site   |
| <b>Drawing A-2</b>          | Proposed Layout Plan   |
| <b>Drawing A-3</b>          | Proposed Drainage Plan   |
| <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  
JULY 2019**