



羅 迅 測 計 師 行
Lawson David & Sung
S U R V E Y O R S L I M I T E D
Property Consultants • Planning • Valuers • Auctioneers
Estate Agency Licence No. C-006328

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Section 16 Planning Application

**Renewal of Planning Approval for Temporary Private Swimming Pool and Garden
for a Period of 3 Years at Lot 1122 & Ext. (Part) in D.D. 217 and Adjoining Government
Land, House B5, Habitat, Pak Sha Wan, Sai Kung, New Territories**

Planning Statement

Applicant
Forever Sound Limited

Prepared by
Lawson David and Sung Surveyors Limited

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Executive Summary

This planning statement is submitted to the Town Planning Board (the "Board") to seek renewal of planning approval for proposed temporary private swimming pool and garden for a period of 3 years at Lot 1122 & Ext. (Part) in D.D. 217 and Adjoining Government Land, House B5, Habitat, Pak Sha Wan, Sai Kung, N.T. (the "Application Site").

The Application Site, covering an area of about 107 sq.m. (including 62 sq.m. of Government land), falls within an area zoned "Green Belt" ("GB") on the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11 gazetted on 27.10.2006. According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Board.

The Application Site, or part of it, is the subject of two previously approved applications (Application Nos. A/SK-PK/126 and 268). The planning permission under last Application No. A/SK-PK/268 will be expired on 18.2.2025. The Applicant has partially complied with the approval condition of the last application on submission and implementation of the drainage proposal. While the drainage proposal had been approved by the Drainage Services Department (DSD) on 21.10.2024, the Applicant has completed the implementation of the approved drainage proposal and submitted implementation record of the drainage facilities to the Planning Department on 6.12.2024 and the approval from DSD is pending. Given the current planning approval expiring soon, the Applicant has therefore submitted this application for renewal of the current planning approval.

There will be no change in nature of use and development parameters of the proposed development from the last application, which includes a temporary private swimming pool with an area of about 35.8 sq.m. and depth of 1.1-1.6m and the remaining area of about 71.2 sq.m. will be used as private garden. The filtration plant equipment is placed at the southwestern corner of the garden. The private swimming pool and garden will be solely used by the residents of the adjoining house (House B5), which is owned by the Applicant.

The justifications of this application are:

1. The proposed development will not contravene the planning intention of "GB" zone;
2. The land on the Application Site is exclusively used by the Applicant;
3. The proposed development is considered compatible with surrounding land uses;
4. The Application Site is subject to prior planning approvals granted for the same uses;
5. The proposed development will not generate adverse drainage, traffic, environmental, visual and landscape impacts on the surrounding areas;
6. The proposed development is considered geotechnically feasible; and
7. The proposed development is in compliance with TPB-PG No.10.

In view of the justifications as presented in this planning statement, it is hoped that members of the Board and relevant Government departments will give favourable consideration to renew the planning approval for a period of 3 years.

行政摘要

此規劃報告書向城市規劃委員會(“城規會”)呈交，旨在支持在新界西貢白沙灣立德台 B5 座丈量約份第 217 約地段第 1122 號及增批部分(部分)及毗連政府土地(“申請地點”)，作為期三年的臨時私人泳池及花園用途(“擬議發展”)的規劃許可續期申請。

申請地點的面積約 107 平方米 (包括政府土地約 62 平方米)，座落於 2006 年 10 月 27 日刊憲的北港及沙角尾分區計劃大綱核准圖 (圖則編號：S/SK-PK/11)上的「綠化地帶」。根據該大綱圖的註釋，不超過三年土地或建築物的臨時用途或發展，須先向城規會提出申請。

申請地點或其部分涉及兩宗獲批准的規劃許可 (申請編號: A/SK-PK/126 及 268)。上次批給的規劃許可(申請編號: A/SK-PK/268)期限將於 2025 年 2 月 18 日屆滿。申請人已部分履行上次規劃許可有關提交及落實排水建議的附帶條件。申請人提交的排水建議於 2024 年 10 月 21 日獲渠務署批准，其後已落實排水建議工程，並於 2024 年 12 月 6 日向規劃署提交已完成的排水設施紀錄，現待渠務署批准。由於現時規劃許可的期限即將屆滿，申請人因此遞交是項規劃許可續期申請。

擬議發展的用途性質及發展參數與上次獲批申請相同，包括一個面積約 35.8 平方米及深度約 1.1 至 1.6 米的私人泳池，其餘位置(面積約 71.2 平方米)將會用作私人花園。該泳池的瀘水設備將設於私人花園的西南角。有關私人泳池及花園僅供申請人所擁有立德台 B5 座的住客使用。

這宗申請的理據為：

1. 擬議發展不會違背「綠化地帶」的規劃意向；
2. 申請地點土地只可供申請人使用；
3. 擬議發展與鄰近發展的土地用途協調；
4. 申請地點之前獲相同私人泳池及花園用途的規劃許可；
5. 擬議發展不會對附近地方構成不良的排水、交通、環境、視覺及園景的影響；
6. 擬議發展在土力工程層面上是可行的；及
7. 擬議發展符合城規會規劃指引編號 10 的要求。

基於本規劃報告書所述的理據，敬希 各城規會委員及有關政府部門能批准是項申請，作為期三年的臨時用途。

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1. Introduction

1.1 Purpose

Pursuant to Section 16 of the Town Planning Ordinance, this Planning Statement is submitted to the Town Planning Board (the “Board”) to seek renewal of planning approval for a temporary private swimming pool and garden for a period of 3 years at Lot 1122 & Ext. (Part) and adjoining Government land in D.D. 217, House B5, Habitat, Pak Sha Wan, Sai Kung, N.T. (hereafter referred to as “the Application Site”). **Figure 1** shows the location of Application Site and the Lot Index Plan indicating the concerned lot is shown per **Figure 2**.

The Application Site, covering an area of about 107 sq.m. (including about 62 sq.m. of Government land), falls within an area zoned “Green Belt” (“GB”) on the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11 gazetted on 27.10.2006. According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Board.

The Application Site, or part of it, is the subject of two previous approved applications (Application Nos. A/SK-PK/126 and 268). The last planning permission (No. A/SK-PK/268) for temporary private swimming pool and garden was approved by the Board on 18.2.2022 and will be expired on 18.2.2025. The Application Site currently consists of the existing private swimming pool and private garden of the adjoining House B5, which is owned by the Applicant.

The Applicant has partially complied with the approval condition of the last application on submission and implementation of the drainage proposal. While the drainage proposal had been approved by the Drainage Services Department (DSD) on 21.10.2024, the Applicant has completed the implementation of the approved drainage proposal and submitted implementation record of the approved drainage proposal to the Planning Department (PlanD) on 6.12.2024. The approval from DSD on the drainage works is pending. With the current planning approval to be expired on 18.2.2025, the Applicant hereby seeks renewal of planning approval for a further period of 3 years. There will also be no change in the proposed site layout and nature of use from the last application.

1.2 Organization of Planning Statement

This planning statement is divided into 6 chapters. Chapter 1 is an introduction outlining the above background of the planning application. Chapter 2 will then illustrate the site context and land status followed by Chapter 3 which describes the planning context in details. Chapter 4 gives the particulars of the proposed development. Detailed accounts of planning justifications of the proposed development are presented in Chapter 5. The planning statement finally concludes with a summary in Chapter 6.

2. Site Context

2.1 Location

The Application Site is located at the enclosed backyard of the adjoining house (i.e. House B5) of Habitat, Pak Sha Wan, Sai Kung, New Territories, which is located at the east of Hiram’s Highway.

2.2 Existing Condition

The Application Site has a total area of about 107 sq.m. (including about 62 sq.m. of Government land) and is currently occupied by a private swimming pool and back garden of the adjoining house (i.e. House B5, Habitat, Pak Sha Wan). The filtration plant equipment is placed at the southwestern corner of the garden. The Application Site, along with the adjoining house, are fenced off.

2.3 Surrounding Land Uses

The surrounding areas are mainly rural in character intermixed with low-rise and low-density residential uses. The immediate north and south are private gardens of the nearby houses of Habitat while the residential development known as Ruby Chalet is situated at the west. To the east across Hiram's Highway is the Pak Sha Wan Tam Wah Ching Sea Activity Centre, which is a scout camp site for watersport recreational activities. To the further south sees several low-density residential developments such as Hebe's Villa, as well as the village settlement of Kau Sai San Tsuen located in an area zoned "Village Type Development" ("V").

2.4 Accessibility

The Application Site is located within an enclosed private backyard of the adjoining House B5 of Habitat and can only be accessed through the house. The House B5 is accessible by an internal access road within Habitat leading to Hiram's Highway. A plan showing the vehicular access to the House B5 is provided at **Figure 3**.

2.5 Land Status

According to the records of Land Registry, the subject lot is held under New Grant No. SK5684 and demised for pleasure garden purpose only.

The government land within the Application Site was previously covered by a Short Term Tenancy (STT) No. SX2971 but was terminated after the change in ownership in 2010. The Applicant acquired the House B5 in 2012 with the swimming pool and garden in use, in which they later received a warning letter from the Lands Department (LandsD) regarding the unlawful occupation of the said government land in 2018. To rectify the situation, the Applicant has later applied for a STT in 2018 for the use of government land. The Applicant was informed by the LandsD that the proposed STT area fell within the area zoned "GB" on the Approved Pak Kong and Sha Kok Mei OZP and the temporary use of the swimming pool and private garden required planning permission from the Board. On 18.2.2022, the Applicant has obtained planning approval (No. A/SK-PK/268) from the Board.

On 31.7.2023, the Applicant submitted an application for STT to the LandsD for regularization of the use of Government land. On the request of the LandsD, the Applicant has settled the initial toleration fees for tolerating the occupation of the government land from 2012 and administrative fee for STT. Meanwhile, LandsD stated that the STT application would only be further proceeded upon compliance of the approval condition of submission and implementation of the drainage proposal. The Applicant has kept close contact with the LandsD by informing them the progress of compliance with approval condition.

3. Planning Context

3.1 Outline Zoning Plan

The Application Site falls within an area zoned “Green Belt” (“GB”) on the Approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 gazetted on 27.10.2006 (see **Figure 1**). 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.”

According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Board.

3.2 Previous Applications

The Application Site, or part of it, is involved in 2 previously approved planning applications as follows:

Application No.	Applied Use	Decision	Decision Date
A/SK-PK/126	Temporary Private Swimming Pool for a Period of 3 Years	Approved with Conditions	29.8.2003
A/SK-PK/268	Temporary Private Swimming Pool and Garden for a Period of 3 Years	Approved with Conditions	18.2.2022

The Applicant has partially complied with the approval condition of the last application (No. A/SK-PK/268) i.e. the submission and implementation of a drainage proposal as follows:-

Conditions	Approval Date	Approval Letter
Submission of a drainage proposal	21.10.2024	see Appendix 1

The Applicant has completed the implementation of the approved drainage proposal and later submitted the implementation record of the drainage works (see **Appendix 2**) to PlanD on 6.12.2024. The approval from DSD is pending.

3.3 Similar Application within the same “GB” Zone

A similar application for proposed temporary private swimming pool (Application No. A/SK-PK/111) was approved by the Board within the same “GB” zone of the Pak Kong and Sha Kok Mei OZP. The particulars of the approved application are summarized as below:

Application No.	Applied Use	Location	Site Area (m ²)	Decision (Decision Date)
A/SK-PK/111	Proposed Temporary Private Swimming Pool for a Period of 3 Years	Lot 1112 & Ext. in D.D.217, Pak Sha Wan, Sai Kung, N.T.	93	Approved with Conditions (21.12.2001)

3.4 Town Planning Board Guidelines No. 10 (TPB PG-No.10)

According to TPB PG-No.10, as the Application Site falls within the “GB” zone, the proposed development is subject to the following relevant planning criteria: -

- (a) The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (b) The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area; and
- (c) The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.

4. Development Proposal

4.1 Renewal of Planning Approval

The Applicant seeks renewal of planning approval to use the Application Site for temporary private swimming pool and garden for a period of 3 years. There would be no changes in the nature of the use and the development parameters from the last application (Application No. A/SK-PK/268), in which the private swimming pool occupies an area of about 35.8 sq.m. (about 1.1m to 1.6m in depth) with the remaining area used for private garden purpose. The layout plan and section plans are shown respectively in **Figures 4 and 5**.

The key development parameters of the application are shown below:-

Application Area	About 107 sq.m. (including about 62 sq.m. of Government land)
Swimming Pool Area	About 35.8 sq.m.
Depth of Swimming Pool	About 1.1 – 1.6m
Garden Area	About 71.2 sq.m.

The temporary private swimming pool and garden will be solely used by the residents of House B5, Habitat for leisure and landscape purposes only. The Application Site, together with adjoining House B5 is fenced off. The filtration plant equipment is placed near the southwest corner of the Application Site at the garden. The swimming pool water would be drained through the existing stormwater drainage system after filtration.

4.2 Drainage Proposal

The drainage proposal submitted in compliance of the approval condition of the last application (No. A/SK-PK/268) has been approved by the DSD on 21.10.2024 (see **Appendix 1**). The Applicant has later completed the implementation of approved drainage proposal and submitted the record of provision of drainage facilities on site to PlanD on 6.12.2024 (see **Appendix 2**). Approval from DSD is pending.

Since the layout and development parameters of the proposed development remain unchanged, the Application will retain the same drainage design of the approved proposal by reinstating the drainage network and unblocking existing u-channels and catchpits.

4.3 Geotechnical Planning Review Report (GPRR)

As a slope feature is situated at the immediate east of the Application Site, the Applicant has submitted a GPRR (see **Appendix 3**) for the last application (No. A/SK-PK/268), in which the

proposed development is considered feasible from geotechnical point of view. Since the layout and development parameters of the proposed development remain unchanged, the proposed development could be considered geotechnical feasible under the same condition.

5. Planning Justifications

5.1 Not Contravene the Planning Intention of “GB” zone

The Application Site falls within the “GB” zone on the Approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11. While the planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features, the proposed development is a temporary use in nature and a passive use solely used by the residents of the adjoining house. Therefore, given the temporary nature of the proposed development, it will not jeopardize the long-term planning intention of the “GB” zone.

5.2 Land Exclusively Used by the Applicant

The Application Site is located within an enclosed private backyard of the adjoining house and had been occupied for the applied uses since 2003. Since the Application Site can only be accessed from the adjoining house and fenced off at all other sides, it cannot be used separately by any users other than the Applicant, who is the owner of the House B5 and will not affect the local residents.

5.3 Compatible with Surrounding Land Uses

The surrounding areas of the Application Site are mainly low-rise, low-density residential development and swimming pools and gardens are commonly observed in the locality. The proposed private swimming pool and garden are small in scale and therefore considered not incompatible with the existing uses and the local character of the area.

5.4 Prior Planning Approvals Granted for the Same Use at the Application Site

The Application Site is the subject of 2 previous planning approvals (Nos. A/SK-PK/126 and 268). The last application (No. A/SK-PK/268) for the same use was approved by the Board for a period of 3 years on 18.2.2022. The Applicant has partially complied with the approval conditions of the last application with their submission of implementation of the drainage proposal currently pending approval from DSD. Since there is no change on the nature of use and the character of the surrounding areas, this application is considered acceptable within the subject “GB” zone and in line with the previous decision of the Board.

5.5 No Adverse Impacts on the Surrounding Areas

Owing to the nature of the proposed use and small scale in development, no adverse impacts are anticipated on the surrounding areas, as discussed below:

Drainage

The submitted drainage proposal for the last application (No. A/SK-PK/268) was approved by DSD on 21.10.2024. While the implementation of the drainage facilities is under reviewed and pending approval by DSD, the Applicant will rectify the drainage facilities if there is any further comment from DSD. Meanwhile, given no flooding history of the Application Site and no change in nature and development parameters of the proposed development, the Applicant will maintain the existing drainage facilities on the Application Site. As such, no adverse drainage impact is anticipated.

Traffic

Since the proposed development is small in scale and sole private use of the residents of adjoining house, no traffic will be generated from the proposed development. As such, it is unlikely to have adverse traffic impact on the surrounding areas.

Environmental

The temporary private swimming pool and private garden will be solely used by the residents of adjoining house for leisure and landscape purposes only. The anticipated frequency of use of the swimming pool is low. There will not be additional lighting installed to serve the swimming pool. Thus, the proposed development will not induce any adverse environmental impact on the subject locality with no air, noise and light pollution anticipated.

Visual and Landscape

The Application Site is situated in an area of rural landscape character comprising low-density houses. There is no tree or significant vegetation found in the Application Site. Since the current private swimming pool and garden has been built since 2003 with no significant change in nature and layout since then, the proposed development is considered compatible with its surrounding environment with no foreseeable adverse visual or landscape impact anticipated.

5.6 Geotechnically Feasible

The Applicant has submitted a GPRR for the last application (No. A/SK-PK/268) for the slope feature at the immediate east of the Application Site, which has demonstrated that the proposed development is considered to be feasible from geotechnical point of view. Given no change in nature of use and development parameters, the findings from the submitted GPRR would still be applicable for this application with no foreseeable geotechnical concerns.

5.7 Compliance with TPB PG-No.10

The Application Site falls within the "GB" zone on the Approved Pak Kong and Sha Kok Mei OZP, which is subject to TPB PG-No.10 as noted in Section 3.4 of this Planning Statement. The proposed development could be considered in compliance of the planning criteria stipulated in TPB PG-No.10 as follows: -

(a) Compatibility of the Proposed Development

The proposed development is for the same uses as the previous planning approval (No. A/SK-PK/268), which is private swimming pool and garden. As swimming pools and gardens are commonly found in the similar low-rise residential developments and the proposed development is small in scale, the proposed development is considered compatible with the surrounding land uses.

(b) Capacity of Existing and Planned Infrastructure

Given the small scale in development, the proposed development will not overstrain the capacity of existing and planned infrastructure such as sewage and water supply.

(c) Potential Environmental Impacts

As elaborated above, since the propose development is for private use and small in scale, no adverse drainage, traffic, environmental, visual and landscape impacts are anticipated from the proposed development.

As such, the proposed development can be deemed compatible with all the relevant planning criteria listed in TPB PG-No.10 and be considered a tolerable development within the “GB” zone at the Application Site.

6. Conclusion

The Application Site falls within “GB” zone on the Approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11. The last application of the Application Site (No. A/SK-PK/268) for the same private swimming pool and garden uses was approved by the Board on 18.2.2022.

The Applicant has partially complied with the approval condition of the last application (No. A/SK-PK/268) on submission and implementation of a drainage proposal with the drainage proposal approved by DSD on 21.10.2024. While the Applicant has submitted the implementation record on 6.12.2024, the approval from DSD is still pending. As the previous planning approval will be expired on 18.2.2025, the Applicant has submitted this application to renew the current planning approval to continue the usage of the existing private swimming pool and garden.

There will be no change in the nature of use and development parameters from the last application. The existing private swimming pool and garden will be used solely by the residents of the adjoining house (House B5). In view of the existing site conditions and surrounding land uses, the proposed development is considered compatible with the surrounding developments and will not jeopardize the long-term planning intention of the “GB” zone given its temporary nature.

Given its previous approval records and the small scale in development, the proposed temporary use will not cause adverse environmental, drainage, traffic, visual and landscape impacts on the surroundings areas. The proposed development is therefore considered to be in compliance with TPB PG-No.10.

In view of the justifications stated herein, we sincerely hope that the Board will give favourable consideration to renew the planning approval of this application for a period of 3 years.