

RNTPC Paper No. A/YL-PH/767
For Consideration by
the Rural and New Town
Planning Committee
on 2.3.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/767

- Applicant** : Sheung Ha Che Sports Association (上下峯體育會)
represented by Mr. Kwok Chi-man
- Site** : Lots 316 S.B ss.2 S.A (Part) and 316 S.B ss.3 S.A (Part) in D.D.
111, Sheung Che, Pat Heung, Yuen Long
- Site Area** : About 150m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No.
S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)
[maximum building height of 3 storeys (8.23m)]
- Application** : Private Club

1. The Proposal

- 1.1 The applicant seeks planning permission at the application site (the Site) for private club use. According to the Notes of the OZP, ‘Private Club’¹ use is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is subject to a previous planning application No. A/YL-PH/713 submitted by the same applicant for the same use which was approved by the Rural and New Town Planning Committee (the Committee) on 27.3.2015 for 2 years. The planning permission lapsed on 27.3.2017. The Site is being used for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, a 2-storey temporary container-converted structure with a total floor area of 60m² and building height of 5m is erected for private club use within the Site (**Drawing A-1**), with a plot ratio of 0.4 and site coverage of 28%. The premises comprises offices (about 6m²) for daily operation of the

¹ According to the Definitions of Terms used in statutory plans, ‘Private Club’ means any premises or land used by any club, company, partnership or association of persons for recreational and social purposes. It includes any club or society registered under the Societies Ordinance (Cap. 151).

club, members' leisure area cum trophies display corner (about 14m²) and a pantry (about 4m²) on the ground floor; and multi-function activity rooms (about 24m²) with trophies display corner (about 2m²) on the first floor. According to the applicant, the private club mainly organizes soccer activities and most of the committee and members are residents of Sheung Che and Ha Che Tsuen. The operation hours of the private club are between 8 a.m. and 8 p.m daily. The private club will accommodate not more than 20 persons. No designated parking space is provided on-site. The site layout plan and floor plans as submitted by the applicant are at **Drawings A-1 to A-3**.

1.3 Compared with the last application which was submitted by the same applicant for the same applied use, the site boundary, total floor area and operation hours remain the same, except the site coverage is slightly increased from 20% to 28% due to addition of a shelter.

1.4 In support of the application, the applicant has submitted the following documents:

Application form with plans and supplementary statement (**Appendix I**) received on 4.1.2018

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary statement in **Appendix I**. They can be summarized as follows:

- (a) The private club use does not jeopardize the planning intention of the "V" zone and is compatible with surrounding development. It is subject of a previous planning application no. A/YL-PH/713 for private club which was approved with conditions by the Committee on 27.3.2015 for two years. All the approval conditions were complied with.
- (b) The club is set up mainly to promote sports activities. Committee and members of the club are mainly residents of Sheung Che and Ha Che Tsuen. The club has sent out teams to compete in a number of soccer competitions, and plans to organize other sports activities such as basketball teams and tai chi classes. The two-storey container-converted structure is used as the office of the club, recreation place for members, storage area of club's equipments and meeting venue.
- (c) Members are mainly from Sheung Che and Ha Che Tsuen. They walk or cycle to the club and would not use private vehicles generally. No adverse traffic impact is anticipated. There is an emergency vehicular access at the Site and the applicant will take up the responsibility to maintain of the access.
- (d) Proper drainage facilities are provided and approval conditions in related to submission and implementation of drainage proposal in the last approval were complied with. This application is same as previous submission in terms of the

applicant, application site boundary and use. The drainage facilities will be maintained continuously.

- (e) Should the government considered the Site not suitable for permanent use as private club, the applicant would accept temporary approval of three or five years.

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 having obtained consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not the subject of any active enforcement action. The application site was previously covered by planning permission for the same use. Since the previous planning permission has been lapsed, the current use is subject to investigation.

5. Previous Application

- 5.1 The Site is subject to a previous application No. A/YL-PH/713 submitted by the same applicant for ‘Private Club’ use which was approved by the Committee on 27.3.2015 for 2 years (instead of permanent approval sought). The application was approved based on the grounds that the private club use is not in conflict with the planning intention of the “V” zone; the applied use is considered not incompatible with the surrounding land uses; no adverse comments from relevant government departments; and temporary approval for two years was granted to avoid interfering the “Improvement to Fan Kam Road’ project. All the approval conditions have been complied with and the planning permission lapsed on 27.3.2017. Details of the previous application are summarized in **Appendix II** and the location of the site is shown on **Plan A-1**.
- 5.2 Compared with the last application which was submitted by the same applicant for the same applied use, the site boundary, total floor area and operation hours remain the same, except the site coverage is slightly increased from 20% to 28% due to additional shelter.

6. Similar Application

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

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) abutting Fan Kam Road.

7.2 The surrounding areas are rural in character predominated mixed with residential dwellings/structures, parking of vehicles, open storage/storage yards and vacant/unused land:

- (a) to its north across a local track are residential dwellings/structures. To the further north are some open storage yards and parking of vehicles (one is under approved planning application no. A/YL-PH/747);
- (b) to its east across Fan Kam Road are residential dwellings/structures and unused/vacant land;
- (c) to its south is an existing refuse collection point (RCP). Further south are open storage yard and unused/vacant land; and
- (d) to its west across a watercourse are residential dwellings/structures of Sheung Che and Ha Che, including Fu Hing Garden. Further west are unused/vacant land.

8. Planning Intention

The planning intention of the “V” is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 ground floor of a New Territories Exempted House. 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 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 Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot No. 316 S.B ss.2 S.A is covered by Short Term Waiver (STW) No. 4600 and Lot No. 316 S.B ss.3 is covered by STW No. 4601 to permit structures erected thereon for the purpose of “Private Club”.
- (c) The Site is accessible to Fan Kam Road via Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site falls within Shek King Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA.
- (e) Should the application be approved, the STW holder(s) will need to apply to his office for modification of the STW conditions to regularize any irregularities (if any) on-site. Such application(s) will be considered by LandsD acting in the capacity as 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 LandsD.
- (f) There is no Small House application approved or under processing at the Site.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

Noting that there is only emergency vehicular access to the Site and no parking and loading/unloading facility in the Site, and the Site is in the same layout with the approved planning application No. A/YL-PH/713, he has no comment from traffic engineering perspective.

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

- (a) The applicant should be responsible for his own access arrangement.
- (b) HyD is not and shall not be responsible for the maintenance of the existing vehicular access connecting the Site and Fan Kam Road.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (d) The proposal may have interface with the highway project “Improvement to Fan Kam Road” under planning.

9.1.4 Comments of the Chief Highway Engineer/Works, Highways Department (CHE/W, HyD):

- (a) The Site will be adjoining the currently proposed boundary of the ‘Improvement to Fan Kam Road’ Project’ (the Project). If any parts of the subject land lots are required for the implementation of the Project, the land owners of the affected lots will be duly consulted and the necessary land acquisition would be dealt with in compliance with the relevant statutory procedures under the Roads (Works, Use & Compensation) Ordinance.
- (b) However, as the Project is at its investigation and preliminary design stage, its extent will still be subject to further review and adjustment during the detailed design of the road improvement works.
- (c) In view of the above consideration, he has no strong view on the application provided that the proposed use of the Site could be on a temporary basis for 3 years subject to the condition that part of the Site might be acquired for the purpose of the Project at any time before the expiry of the temporary planning permission with an advance notification in compliance with the relevant statutory requirements.

Environment

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

There was no substantiated environmental complaint received in the past 3 years. The applicant seeks planning permission to continue the current

use of the Site for a private club. 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.

Nature Conservation

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

Noting that the Site is adjacent to Fan Kam Road and the applicant seeks to continue the previously approved use on the location, he has no adverse comment on the application from nature conservation point of view. Nevertheless, the applicant should be advised to adopt appropriate measures to avoid disturbance and pollution to the watercourse immediate adjacent to the Site during operation.

Landscape

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

- (a) She has no objection to the application from the landscape planning perspective.
- (b) The Site is surrounded by Small Houses and is located to the west of Fan Kam Road. The Site is the subject of one previous approved planning application (No. A/YL-PH/713) for the same use to which she had no objection from the landscape planning perspective. Based on the aerial photo taken in April 2017, the Site is situated in an area of rural landscape character comprising of small houses, open storage yards and scattered tree groups. Small houses are found in close proximity to the Site. Although the applied use is not entirely in line with the planning intention of “V” zone, given the scale of the Site is relatively small (about 150m²) and the low building height (5m), it is not incompatible to the surrounding environment.
- (c) Referring to the site visit in January 2018, the Site is occupied by the existing structure. Existing trees and landscape planting within the Site have been maintained in good condition. Since the nature of operation remains the same as in the previous application, adverse impact arising from the development on landscape resources within the Site is not anticipated.
- (d) Should the application be approved, approval condition for the maintenance of existing trees and landscape planting should be included.

Drainage

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

- (a) He has no objection in principle to the development.
- (b) Should the application be approved, approval conditions on maintaining the drainage facilities implemented under Application No. A/YL-PH/713 and to submit records of the existing drainage facilities on-site to his satisfaction should be included in the planning permission.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

9.1.10 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). A Waterworks Reserve within 1.5 metres from the centreline of the water mains shown on **Plan A-2** shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purpose.
- (c) The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the Waterworks Reserve are required to seek authorization from the Water Authority.
- (d) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on **Plan A-2**.

- (e) The developer shall bear the cost of any necessary diversion works affected by the development.
- (f) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the applied use.
- (b) The applicant should observe the following requirements:
 - (i) If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under application.
 - (ii) 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 from the BD should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, 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) Regulations (B(P)R) respectively.
 - (iii) 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 Site under the BO.
 - (iv) 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 B(P)R at the building plan submission stage.

- (v) If the use under application is subject to the issue of a licence, the applicant should be reminded that any existing structure on the site are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

9.1.12 Comments of Director of Electrical and Mechanical Services (DEMS);

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Others

9.1.13 Comments of the Director of Food and Environmental Hygiene (DFEH):

FEHD currently does not provide any RCP facilities at the Site. However, they provide bin site refuse collection services in the area (on Government land) in front of Lot 316SB ss.3 in D.D.111.

District Officer’s Comments

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

He has no particular comment on the application. His office received one objection from the indigenous inhabitant representative of Pat Heung She Che Tsuen mainly on the grounds that the Site is located at the village main entrance without parking provision and no buffer area for pedestrian use which affect the safety of local villagers; blocking the vehicular access and sightlines; and the built structures within the Site without obtaining approval from relevant government departments affects pedestrian safety. The same comment is also received during the statutory public inspection period (**Appendix III**).

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

- (a) Director of Leisure and Cultural Services;
- (b) Project Manager/NT West, Civil Engineering and Development Department (PM/NTW, CEDD); and
- (c) Commissioner of Police (C of P).

10. Public Comment Received During Statutory Publication Period

- 10.1 On 12.1.2018, the application was published for public inspection. During the three weeks of the statutory public inspection period, which ended on 2.2.2018, one objecting comment from indigenous villagers representative of Pat Heung She Che Tsuen was received (**Appendix III**).
- 10.2 The commenter objects to the application mainly on the grounds that the Site is located at the village main entrance without parking provision and no buffer area for pedestrian use which affect the safety of local villagers; blocking the vehicular access and sightlines; and the built structures within the Site without obtaining approval from relevant government departments affects pedestrian safety.

11. Planning Considerations and Assessments

- 11.1 The applied use is for a private club within “V” zone, which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. DLO/YL of LandsD advises that there is currently no Small House application approved or under processing at the Site. According to the applicant, the club mainly organizes sports activities and most of the committee and members are residents of Sheung Che and Ha Che Tsuen. It is considered that the ‘private club’ use is not in conflict with the planning intention of the “V” zone.
- 11.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character predominated with residential dwellings/structures, parking of vehicles, open storage/storage yards and vacant/unused land. The Site also involves a previous planning application (No. A/YL-PH/713) for private club use submitted by the same applicant which was approved by the Committee on 27.3.2015 on a temporary basis for 2 years instead of a permanent permission sought for the reasons as stated in paragraph 5 above. As compared to the previous application, there is no change on the site boundary, operation hours and total floor area, except for slight increase of site coverage from 20% to 28% due to an additional shelter.
- 11.3 In view of the small scale of the applied use with a floor area of about 60m² and abutting Fan Kam Road, it is unlikely that the development would generate adverse traffic or environmental nuisance and no substantiated environmental complaint has been received in the past 3 years. Relevant developments

consulted including C for T, DEP, CE/MN of DSD, CTP/UD&L of PlanD, C of P and D of FS have no adverse comment on the application. The Site adjoins the proposed boundary of the “Improvement to Fan Kam Road” Project. CHE/W, HyD has no strong view on the application provided that the proposed use of the Site could be on a temporary basis for 3 years subject to the condition that part of the Site might be acquired for the purpose of the “Improvement of Fan Kam Road” Project at any time before the expiry of the temporary planning permission. In view of CHE/W, HyD’s comment and to allow flexibility to meet the planning intention of the “V” zone for Small House development in the long-term, it is recommended a temporary planning approval period of 3 years be granted (instead of the permanent permission sought by the applicant) for the current application.

- 11.4 To minimize the possible environmental nuisance generated by the development, approval condition restricting operation hours is recommended in paragraph 12.2 (a) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on-site will be subject to enforcement action by the Planning Authority. Besides, should the application be approved on a temporary basis, the applicant will be advised to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact. Moreover, the technical requirement of CE/MN of DSD, D of FS and CTP/UD&L of PlanD could be addressed by approval conditions in paragraph 12.2 (b) and (f) below.
- 11.5 An objecting comment from the indigenous inhabitant representative of Sheung Che Tusen was received during the statutory publication period on grounds as detailed in paragraph 10.2 above. In this regard, the considerations and assessment in particular no adverse comments from C for T above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment in paragraph 10, the Planning Department has no objection to the private club use on a temporary basis 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 2.3.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;

- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of the record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.6.2018;
- (e) the submission of fire service installation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.9.2018;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.12.2018;
- (g) if any of the above planning condition (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (e) or (f) 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; and
- (i) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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 "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify a departure from the planning intention.

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 with plans and supplementary statement received on 4.1.2018
Appendix II	Previous application covering the application site
Appendix III	Public comment received during the statutory public inspection period
Appendix IV	Advisory clauses
Drawing A-1	Layout Plan
Drawing A-2	Ground Floor Plan
Drawing A-3	First Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**