

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-PK/255

- Applicant** : Dolphin Canoe Club
- Site** : Government Land in D. D. 216, Tai Mong Tsai Road, Tai Wan, Sai Kung
- Site Area** : About 111m²
- Land Status** : Unleased Government Land
- Plan** : Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Renewal of Planning Approval for Temporary Place of Recreation (Canoe Club) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for place of recreation (canoe club) on a temporary basis for a period of three years. The Site falls within an area zoned “CPA” on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11 (**Plan A-1**). According to the covering Notes of OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is being used for the applied use with planning permission granted under Application No. A/SK-PK/233. The planning permission is valid until 23.12.2019.
- 1.2 The existing canoe club adjoining the Site is covered by a Short Term Tenancy (STT) granted on 1.1.1983. The Site is an extension of the adjacent canoe club. It is used mainly for the storage of canoe in a single storey temporary structure and a minor portion as the extension of office and changing room (about 48m²) (**Drawing A-2**). The remaining uncovered area of the Site is about 63 m².
- 1.3 In support of the application, the applicant has submitted an application form with appendices received on 20.9.2019 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 9 of the application form in **Appendix I**. They can be summarized as follows:

- (a) since obtaining planning approval, the applicant has endeavoured to discharge the specific planning conditions in time and followed the planning conditions to run the canoe club at the Site. The Board should consider favourably renewal of the permission as so far the canoe club has been running smoothly without creating any adverse technical and social impact to the neighbourhood areas;
- (b) planning conditions pertaining to the implementation of water supplies for fire fighting and fire service installations proposals were discharged in March 2019. The applicant will continue to ensure compliance of the planning conditions when granting the renewal permission;
- (c) the applicant will continue to comply with the planning condition regarding operating hours ie. no operation of the canoe club between 6:00pm to 8:30am, and will keep the operating hours of the club house between 8:30am to 6:00pm daily;
- (d) the Site has been used for more than two decades to provide the community with training courses on a non-profit basis. In view of the applicant's community services, the renewal is supported locally by the Chairman of the Sai Kung District Council; and
- (e) the renewal is necessary for regularisation of a minor extension of an existing development which has been operating since 12.10.1990 with no adverse technical impacts. The temporary use under this application would not jeopardize the planning intension and future use of the "CPA" zone.

3. Compliance with the "Owner's Consent/Notification" Requirements

As the Site is government land, the "owner's consent/notification" requirement as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB GB-No. 31A) is not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) is relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Previous Application (Plan A-1)

The Site is related to a previously approved application No. A/SK-PK/233, submitted by the same applicant and for the same temporary use (i.e. temporary place of recreation (canoe club) for a period of 3 years). The previous application was approved mainly on

grounds that the temporary use of the Site would not jeopardize the planning intention of the “CPA” zone and no significant adverse impacts were anticipated.

6. Similar Application

There is no similar application for ‘Place of Recreation’ use within the “CPA” zone on the Pak Kong and Sha Kok Mei OZP.

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

7.1 The Site is:

- (a) largely paved and currently used as an extension of the adjoining canoe club;
- (b) mainly occupied by a single storey temporary structure for storage of canoe (about 3.2m in height). A minor portion of the Site is used as extension of office (about 2.7m in height) and changing room (about 3.3m in height); and
- (c) accessible from Tai Mong Tsai Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate northeast adjoining the Site is the existing canoe club. To the further north and northeast are “Village Type Development” (“V”) zones occupied by 2-3 storeys village houses (**Plans A-2 and A-3**);
- (b) to the south is Sai Kung Hoi; and
- (c) Tai Wan Pumping Station is located to its southwest.

8. Planning Intention

The planning intention of the “CPA” zone is primarily to conserve, protect and retain the natural coastlines and sensitive coastal natural environment with a minimum of built environment. Only development that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

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/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) the Site falls on unleased government land surrounding the area let under short term tenancy No. SX1085 (“the STT”) in D.D. 216. The STT was directly granted to Dolphin Canoe Club (“the Club”) for a term certain from 1.1.1983 to 30.6.1998 and thereafter quarterly for the purpose of open storage of canoes and ancillary uses as may be approved in writing by DLO/SK; and
- (b) the Club has applied to his office for land extension to regularize the existing occupation of the Site and further government land to its south. If the application is approved by the Board, the Club shall provide necessary information to his office for further processing of its land extension application. However, there is no guarantee that such application would be approved by the Government. Such application, if eventually approved, would be subject to such terms and conditions as the Government considers appropriate.

Traffic

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

- (a) no adverse comment on the application; and
- (b) adverse traffic impact to the adjacent road network is not expected.

Drainage

9.1.3 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

no in-principle objection to the application from drainage maintenance viewpoint provided that adequate stormwater drainage collection and disposal facilities would be provided in connection with the proposed use to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas.

Environment

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

- (a) no objection to the application from environmental perspective;
- (b) no environmental complaint was received on the Site for the past three years;
- (c) in view of the small scale nature of the proposed development, the application alone is unlikely to cause major pollution; and
- (d) the applicant is advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by DEP.

Water Supply

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

- (a) no objection to the application; and
- (b) for provision of fresh water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Building Matters

9.1.6 Comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2 & Rail, BD):

- (a) no in-principle objection under the Buildings Ordinance (BO) on the planning application;
- (b) all existing building works erected on unleased government land (i.e. before the grant of an STT/STW) do not come under the control of the BO, and are not unauthorized for the purpose of BO. It is incumbent upon LandsD to advise the legitimacy of such existing structures;
- (c) before any new building works are carried out on land held under STT/STW, prior approval and consent from the Building Authority should be obtained, otherwise they are unauthorized building works;
- (d) all new building works on land held under STT/STW are subject to compliance with the BO;
- (e) Authorized Person must be appointed to coordinate all building works on land held under STT/STW; and
- (f) the granting of the planning approval should not be construed as acceptance of any unauthorized structures on site under the BO. Enforcement action may be taken to effect the removal of any unauthorized works in future.

Urban Design and Landscape

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

- (a) no objection to the application from landscape planning perspective;

- (b) the Site is located in an area of rural landscape character dominated by wooded “Green Belt” areas, coastal vegetation, small houses and Government, Institution and Community facilities. According to site photos, it is observed that the Site is hard paved without any existing trees. The proposed use is not incompatible with its surrounding environment. Significant disturbance to existing landscape resources and character is not anticipated; and
- (c) in view of limited space within the Site, implementation of effective landscape treatment to enhance the public realm seems not practicable. It is considered not necessary to impose any landscape-related conditions should the application be approved by the Board.

Fire Safety

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

- (a) no in-principle objection to the application subject to fire service installations (FSIs) being provided to the satisfaction of D of FS;
- (b) the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. In addition, the applicant should also be advised on the following points:
 - i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (c) if the proposed structure(s) is required to comply with BO (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

9.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Chief Engineer (Works), Home Affairs Department; and
- (d) District Officer/Sai Kung, Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

On 27.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.10.2019, one public comment from the Tai Wan Village Committee was received (**Appendix III**). The commenter objects to the application mainly on the grounds of adverse traffic and environmental health impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for renewal of planning approval under previous application No. A/SK-PK/233 for temporary place of recreation (canoe club) for a further period of 3 years. The Site falls within an area zoned “CPA”, the planning intention of which is to conserve, protect and retain the natural coastlines and sensitive coastal natural environment with a minimum of built environment. The Site is paved and currently used as an extension to the adjoining existing canoe club, and the temporary use of the Site would not jeopardize the planning intention of the “CPA” zone
- 11.2 The Site is located in an area of rural landscape character dominated by wooded “Green Belt” areas, coastal vegetation, small houses and Government, Institution and Community facilities. The Site is currently occupied by single storey temporary structures as storage of canoe and extension of changing room and office (**Plans 4a** and **4b**). The proposed renewal of the temporary use is not incompatible with its surrounding environment. Significant disturbance to existing landscape resources and character is not anticipated. CTP/UD&L has no objection to the application from landscape planning point of view.
- 11.3 The proposed development is small in scale and involves only temporary structures. The use at the Site is not anticipated to have adverse traffic, drainage, sewerage and environmental impacts on the surrounding areas. Relevant government departments consulted have no objection to/adverse comment on the application.
- 11.4 The previous application for the same use by the same applicant was approved with conditions by the Committee on 23.12.2016 and the approval conditions have been complied with. The proposal remains unchanged as compared to the previously approved scheme. The application is generally in line with TPB PG-No. 34C in that since the last planning approval, there is no change in planning circumstances; no government departments consulted have adverse comments on or objection to the application; and the 3-year approval period sought is not longer than the original validity period of the previous approval and is reasonable.
- 11.5 Regarding the public comment objecting to the application, the assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 10 and having taken into account the public comment mentioned in paragraph 9, the Planning Department considers that the temporary place of recreation (canoe club) **could be tolerated** for a further period of three 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 further period of 3 years, and be renewed from 24.12.2019 until 23.12.2022. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00 p.m. to 8:30 a.m., as proposed by the applicant, is allowed during the planning approval period;
- (b) the submission of fire service installations proposals 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 24.6.2020;
- (c) in relation to (b) above, the implementation of fire service installations proposals 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 24.9.2020;
- (d) if the above planning condition (a) 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; and
- (e) if the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

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

12.3 There is no strong reason to reject the application.

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 dated 20.9.2019
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)
Appendix III	Public comments
Appendix IV	Advisory clauses

Drawing A-1	Location Plan as submitted by the applicant
Drawing A-2	Layout Plan as submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2019**