

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/132

- Applicant** : Winberg Investments Limited represented by Llewelyn-Davis Hong Kong Limited
- Site** : Tai Po Town Lot 157 (Part), Sai Sha, Shap Sz Heung, New Territories
- Site Area** : About 93,852m²
- Lease** : Restricted to non-industrial (excluding godown, hotel, offices and petrol filling station) purposes for a lease term of 50 years from 8.9.2017
- Plan** : Approved Shap Sz Heung OZP No. S/NE-SSH/11
- Zoning** : “Comprehensive Development Area” (“CDA”)

Development Restrictions:

Maximum Gross Floor Area (GFA)

- 448,576 m² (domestic);
- 8,957 m² (residents' club);
- 9,290 m² (commercial facilities including kindergarten/nursery and church)

Maximum building height (BH)

24 residential storeys over one storey of residential entrance lobby and a maximum 3 levels for ancillary car park, if the residential building is constructed above the car park.

Based on individual merits of a development or development proposal, minor relaxation of the GFA/BH restrictions may be considered by the Town Planning Board (the Board) on application

- Application** : Temporary Golf Driving Range for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary golf driving range for a period of 3 years. The proposal comprises two golf driving ranges (Driving Range A and B) with a total of 108 driving bays. Ancillary uses, including 77 car parking spaces and 17 single-storey (about 4m high)

temporary structures for eating place, administrative office, maintenance area, storage and toilet with a total GFA of 3,600m², will also be provided. The operation hour is between 8:00am to 10:30pm.

1.2 The Site is part of the subject of five previously approved applications (No. A/NE-SSH/33, 59, 78, 98 and 114) for temporary golf driving range by the same applicant which were approved by the Rural and New Town Planning Committee (the Committee) between 2004 and 2017. It is currently part of the golf driving range under latest approved application No. A/NE-SSH/114, which was approved by the Committee on 22.12.2017 on a temporary basis up to 23.1.2021. Comparing with the latest approved scheme, the current proposal includes the following major changes:

- adjustment to the southern and western site boundaries and reduction in site area;
- increase in the number of driving bays and parking spaces; and
- relocation of ancillary temporary structures to the south of Driving Range B and an increase in GFA of those ancillary structures.

1.3 A comparison table showing the parameters of the latest approved scheme under Application No. A/NE-SSH/114 and the current application is as follows:

Major Development Parameters	Approved under Application No. A/NE-SSH/114 (a)	Under current Application A/NE-SSH/132 (b)	Difference (b) – (a)
Total Site Area (m²)	123,400	93,852	-29,548 (-23.9%)
Total GFA (m²)	2,633.5	3,600	+966.5 (+36.7%)
Total No. of Structures	17	17	No change
Maximum Building Height	1 storey (about 4m)	1 storey (about 4m)	No change
No. of Driving Ranges and Bays	2 with 93 driving bays	2 with 108 driving bays	+15 driving bays (+ 16.1%)
No. of Car Parking Spaces	66 (Covered)	37 (Covered) 40 (Open-air)	+11 (+16.7%)
Proposed Ancillary Uses	Kiosk, office and maintenance area, storage and toilet	Eating Place (canteen), administrative office, maintenance area, storage and toilet	Kiosk replaced by eating place (canteen)

1.4 A block layout plan with location of the retained tree group on the Site and a plan showing the proposed sewerage and internal transport facilities are at **Drawings A-2** and **A-3** respectively.

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

- (a) Application form and attachments received on (Appendix I)
4.11.2019
- (b) Supplementary planning statement received on (Appendix Ia)
4.11.2019
- (c) Supplementary information received on 8.11.2019 (Appendix Ib)
providing clarification on the development parameters
and the purpose of the current submission
- (d) Further information (FI) received on 3.12.2019 (Appendix Ic)
providing response on the proposed treatment of the
retained trees*
- (e) FI received on 13.12.2019 providing responses on (Appendix Id)
traffic and environmental matters*
- (f) FI received on 23.12.2019 providing clarification on the (Appendix Ie)
details of the parking spaces*

*accepted and exempted from publication and
recounting requirements

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement, supplementary information and FI (Appendices Ia to Id). They can be summarised as follows:

- (i) the proposed use under current application is similar to the five previous applications in terms of development layout and parameters;
- (ii) the current application is to facilitate implementation of the approved comprehensive development in the “CDA” zone. It will not jeopardize the long term planning intention and future implementation of the “CDA” zone;
- (iii) the reduction in the site area is mainly due to adjustment to the southern boundary of the existing driving range on-site in order to avoid conflict with the Sai Sha Road widening works and construction of a recreation and sports centre proposed in the approved comprehensive development in the “CDA” zone and the adjustment to the western boundary to avoid encroachment into the proposed ecological stream buffer zone of the said comprehensive development;
- (iv) the increase of the total GFA under the current proposal comparing with the latest approved scheme is to enhance the experience of the increasing number of users by providing better food and beverage services, toilet facilities and administrative services;
- (v) the increase in car parking spaces is to meet the increase in the number of driving

bays;

- (vi) the existing temporary golf driving range on the Site has been well managed and operated which provides greenery and popular recreational sports facilities for the public to enjoy. The proposed use will continue the operation of the driving range to provide high quality golf training services for the public;
- (vii) the proposed use is compatible with the surrounding environment which is rural in nature with low-rise structures. It is in harmony with the surrounding and would not generate any adverse impact to the environment;
- (viii) the proposed use would put the Site to good use during the construction of the comprehensive development and create job opportunities for the local villagers; and
- (ix) all approval conditions under the previously approved applications have been complied with. There would be no adverse technical impacts arising from the current application for the same use.

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. 31A) by obtaining consent of the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background of the Comprehensive Development in the “CDA” Zone

- 4.1 The “CDA” zone covering the Site comprises three parcels of land near Che Ha, Tseng Tau and Tai Tung Wo Liu Villages, which are identified to be suitable for residential, commercial and recreational uses with the provision of open spaces and other supporting facilities under the OZP.
- 4.2 There have been 12 applications (No. A/DPA/NE-SSH/12, A/NE-SSH/5, 7, 10, 15, 16, 18, 22, 26, 28, 61 and 120) for comprehensive residential, commercial and recreational development with Government, Institution and Community facilities in the “CDA” zone approved between 1995 and 2019. Except applications No. A/NE-SSH/61 and 120, the planning permissions for other 10 applications were lapsed and no longer valid.
- 4.3 Application No. A/NE-SSH/61 was approved with conditions on 8.5.2009, with subsequent Class B amendments (Application No. A/NE-SSH/61-1) approved on 2.12.2009 and extension of validity period until 8.5.2017 (Application No. A/NE-SSH/61-2). The approved scheme comprises 46 residential towers (16-24 storeys) and 32 houses with a total domestic GFA of 448,576 m², commercial GFA of 9,290m² and resident’s club GFA of 8,957 m². The building plans for the scheme were approved by the Building Authority in 2016 and 2017, and the land exchange was executed in 2017. The scheme is deemed to have commenced.
- 4.4 The latest application No. A/NE-SSH/120 was approved by the Committee on

18.1.2019, which involved a proposed development of 46 residential towers (16-31 storeys) with a total domestic GFA of 538,213 m², commercial GFA of 12,077 m² and residents' club GFA of 13,446 m². The proposed development is anticipated to be completed by 2025 to 2030.

- 4.5 The Site under this application is located in Site C of the comprehensive development. It is designated as part of a golf course (No. A/NE-SSH/61-1) or golf driving range (No. A/NE-SSH/120) under the approved Mater Layout Plans (MLPs) (**Plans A-5a and A-5b**).

5. Previous Applications

- 5.1 Apart from the planning approval for the comprehensive development mentioned in paragraph 4 above, the Site is part of the subject of five previous planning applications (No. A/NE-SSH/33, 59, 78, 98 and 114) submitted by the same applicant for temporary golf driving range. The applications were approved by the Committee for a period of three years each on 9.1.2004, 23.1.2009, 6.1.2012, 16.1.2015 and 22.12.2017. All approval conditions imposed for the former two applications have been complied with, and no approval conditions were imposed for the latter three approvals. The approval of the latest application No. A/NE-SSH/114 will be valid until 23.1.2021.

- 5.2 Details of these applications are summarised at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

There is no similar application for golf driving range in the same "CDA" zone on the Shap Sz Heung OZP.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3, A-4a and A-4b)

- 7.1 The Site is:

- (a) currently used as golf driving range;
- (b) served by a local track leading to Sai Sha Road; and
- (c) vacant at the southeastern tip which is covered by a lawn and a tree group, outside the existing golf driving range.

- 7.2 The surrounding areas have the following characteristics:

- (a) generally rural in nature comprising mainly fallow agricultural land and natural woodlands; and

- (b) recognised villages of Tseng Tau, Tai Tung, Ma Kwu Lam and Che Ha are located to the southeast, southwest and west of the Site; and
- (c) Sai Sha Road widening works are in progress to the south and west of the Site.

8. Planning Intention

The planning intention of the “CDA” zone is primarily for comprehensive development of the area for residential, commercial and recreational uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site falls within Site C of Tai Po Town Lot 157 (the Lot) which is held under Conditions of Exchange for a terms of 50 years from 8.9.2017;
- (c) the user of the Lot is restricted to non-industrial (excluding godown, hotel, offices and petrol filling station) purposes. For Site C, it shall only be used for such recreational purposes as the Director of Lands may approve and for public vehicles park and sports centre; and
- (d) details of the proposal will be considered when the applicant makes submission to his office. If any proposed use breaches the conditions of the lease or outside the boundary of TPTL 157, the applicant shall apply for a short term tenancy/ waiver, which if approved will be subject to such terms and conditions including but not limited to payment of rent/waiver fee and administrative fee as may be imposed. However, there is no guarantee that the short term tenancy/ waiver will be approved.

Traffic

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

no in-principle objection to the application from traffic engineering viewpoint, having regard to the applicant's FI (**Appendices Id and Ie**) on the justifications on the number and layout of the car parking spaces and ingress/egress arrangement.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) there is no existing DSD maintained public storm drains available for connection in this area. The proposed golf driving range should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. All existing flow path as well as the runoff falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The golf driving range should neither obstruct overland flow nor adversely affect existing neutral streams, village drains, ditches and the adjacent areas, in particular the access road leading to Tseng Tau may be considered. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (c) for works to be undertaken outside the Site, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought;
- (d) there is no existing public sewerage in the vicinity of the Site. DEP should be consulted regarding the sewage treatment/disposal aspects of the golf driving range and the provision of septic tank; and
- (e) should the application be approved, a condition should be included to request the applicant to submit and implement a stormwater drainage proposal for the Site to ensure that it will not cause adverse impact to the adjacent area.

9.1.4 Comments of the Principal Project Coordinator/Special Duties, DSD:

no comment on the application as the proposed sewerage works at Che Ha, Ma Kwu Lam, Tai Tung and Tseng Tau under "Tolo Harbour Sewerage of Unsewered Areas Stage 2" has no conflict with the applied use.

Environment

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

- (a) the Site falls within the Consultation Zone of Ma On Shan Water Treatment Works. He has no objection to the application from chlorine risk perspective; and
- (b) the applicant is reminded to make reference to good practices stated in Practice Note for Professional Person (ProPECC PN) 1/94 - "Construction Site Drainage" during construction phase. For the site drainage, it is advised to follow recommendations stated in Section 5 of ProPECC PN 5/93 "Drainage Plan subject to comment by the Environmental Protection Department", including but not limited to the drainage outlets for open and covered carparks, kitchen of the eating place. For sewage generated on site, the applicant proposes the adoption of septic tank and soakaway systems (ST/SA systems). As usual, the design and construction of ST/SA systems shall follow ProPECC PN 5/93, particularly clearance distance requirements, percolation test, etc., with certification by an Authorized Person.

Landscape

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

- (a) no objection to the application from the landscape planning point of view;
- (b) based on the aerial photo taken on 12.9.2019, the Site is situated in an area of rural landscape character comprising natural woodland and village houses. The proposed development is considered not incompatible with the surrounding environment. Comparing the aerial photos taken in 2017 and 2019, there is no significant change to the surrounding landscape setting since the last previous application was approved. Further significant adverse landscape impact due to the proposed use is not anticipated; and
- (c) no landscape condition is recommended as significant adverse landscape and visual impact is not anticipated.

Fire Safety

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

- (a) no in-principle objection to the application subject to the water supplies for firefighting and fire services installations being provided to the satisfaction of D of FS;
- (b) detailed fire safety requirements will be formulated upon receipt of

formal submission of general building plans or referral form relevant licensing authority; and

- (c) the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

Food and Environmental Hygiene

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

- (a) if the food supply/ catering service is for the exclusive use of staff or members of the temporary golf driving range, it will be exempted from the requirements of getting license/permit from FEHD. However, a Certificate of Compliance under the Clubs (Safety of Premises) Ordinance issued by Home Affairs Department is required for a Club to provide services, including food supply/ catering, to its members; and
- (b) the operator of golf driving range or any related shop or store should take measures to prevent the existence of nuisance such as noise nuisance, pest nuisance and accumulation of refuse at the Site. The refuse generated are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity.

Conservation

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

no comment on the application as the Site largely overlaps with the site of previous approved planning applications which were for the same use.

Water Supply

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

- (a) no objection to the application;
- (b) the site falls within the consultation zone of the Ma On Shan Water Treatment Works, which is a Potentially Hazardous Installation (PHI). Comments from the EPD should be sought in this respect;

- (c) for the provision of the 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

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

- (a) there is no record by the Building Authority (BA) for the proposed buildings/structures at the application site; and
- (b) the applicant should be reminded of the following:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the 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 of the BA should be obtained, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BA 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) in connection with the above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D;
 - (v) 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 B(P)R 19(3) at the building plan submission stage; and

(vi) detailed consideration will be made at building plan submission stage.

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

- (a) Chief Highway Engineer/ New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Director of Electrical and Mechanical Services (DEMS); and
- (f) District Officer/Tai Po, Home Affairs Department (DO/TP).

10. Public Comment Received During Statutory Publication Period

On 12.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessment

- 11.1 The Site falls entirely within an area zoned “CDA” which is intended for comprehensive development for residential, commercial and recreational uses with the provision of open spaces and other supporting facilities. It is located within the site of the approved comprehensive development in the “CDA” zone which is the subject of two valid planning permissions (Application No. A/NE-SSH/61-1 and 120). Under the MLPs of the approved schemes, the Site is designated for use as golf course (No. A/NE-SSH/61-1) or golf driving range (No. A/NE-SSH/120) under the approved MLPs of the approved schemes. According to the applicant, the approved comprehensive development is anticipated to be completed in phases from 2025 to 2030. The approval of the application on a temporary basis for a period of 3 years would not frustrate the implementation of the comprehensive development and the planning intention of the “CDA” zone.
- 11.2 The Site is part of the subject of five previously approved applications (No. A/NE-SSH/33, 59, 78, 98 and 114) for temporary golf driving range by the same applicant, which were approved by the Committee between 2004 and 2017. Comparing with the latest approved scheme, the current proposal involves mainly adjustments to the southern and western boundary of the temporary driving range and a corresponding reduction in site area from 123,400 m² to 93,852 m²; relocation of ancillary temporary structures, and an increase in total GFA of these structures from 2633.5 m² to 3600 m²; and an increase in number of driving bays from 93 to 108 and parking spaces from 66 to 77. In general, the changes are mainly to facilitate the Sai Sha Road widening works and the implementation of the approved comprehensive development in the “CDA” zone. The adjustment to the southern site boundary and relocation of the ancillary temporary structures would avoid conflict with the said road widening works and construction of recreation and sports facilities under the approved comprehensive development.

The adjustment to the western boundary is to avoid encroachment into the proposed ecological stream buffer zone of the comprehensive development. The increase in GFA is to enhance the food and beverage services, toilet facilities and administrative services for the increasing number of the driving range visitors. The increase in the number of car parking spaces is to meet the increase in driving bays. A comparison between the layout plan of the current and latest approved scheme is at **Plan A-6**.

- 11.3 The proposed temporary golf driving range is not incompatible with the surrounding uses in the area, which is generally rural in character with fallow agricultural land and natural woodlands. Relevant Government departments consulted, including C for T, CE/MN of DSD, DEP, CE/C of WSD; CTP/UD&L of PlanD, D of FS, DFEH and DLCS, have no objection to/ adverse comment on the application.
- 11.4 No public comment has been received.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary golf driving range could be tolerated for a 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 period of 3 years until 3.1.2023. The following conditions of approval/ advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of the stormwater drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.7.2020;
- (b) in relation to (a) above, the implementation of stormwater 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 3.10.2020;
- (c) the submission of proposals for water supplies for firefighting and fire service installations 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 3.7.2020;
- (d) in relation to (c) above, the provision of water supplies for firefighting and fire service installations 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 3.10.2020; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) 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 III**.

12.3 There is no strong reason to recommend rejection of 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 date when the validity of the permission should expire.
- 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 and attachments received on 4.11.2019
Appendix Ia	Supplementary planning statement received on 4.11.2019
Appendix Ib	Supplementary information received on 8.11.2019
Appendix Ic	Further information received on 3.12.2019
Appendix Id	Further information received on 13.12.2019
Appendix Ie	Further information received on 23.12.2019
Appendix II	Previous planning applications
Appendix III	Recommended advisory clause
Drawing A-1	Block Layout Plan with location of retained tree group
Drawing A-2	Proposed sewerage and internal transport facilities
Drawing A-3	Proposed car parking layout
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos
Plan A-5a	Location of the Site as shown on the approved MLP for the comprehensive development under Application No. A/NE-SSH/61-1
Plan A-5b	Location of the Site as shown on the approved MLP for the comprehensive development under Application No. A/NE-SSH/120
Plan A-6	Plan comparing layout of A/NE-SSH/114 and A/NE-SSH/132