

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/961

- Applicant** : The Hong Kong Jockey Club (HKJC) represented by Masterplan Limited
- Premises** : Concourse Area at 2/F of Grandstand Carpark, Sha Tin Racecourse, Sha Tin, New Territories
- Floor Area** : About 6,200m²
- Lease** : (a) STTL No. 590 (New Grant No. 22387)
(b) restricted to (i) horse-racing, including a racecourse and racing-related facilities, together with the facilities provided to support the operations of betting; (ii) charity and nonprofit-making activities other than horse-racing and betting purposes; (iii) a members' club includes commercial, retail, catering, social functions and other recreational activities as are not directly related to horse-racing and betting purposes; (iv) quarters to be used for the residential accommodation of horse-racing related personnel; and (v) the Penfold Park.
- Plan** : Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
- Zoning** : "Other Specified Uses" annotated "Race Course" ("OU(Race Course)")
- Application** : Proposed Place of Recreation, Sports or Culture

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) (**Plan A-1**) for 'Proposed Place of Recreation, Sports or Culture' use during non-race days. According to the Notes of the OZP, 'Place of Recreation, Sports or Culture' is a Column 2 use in the "OU(Race Course)" zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 The proposal will provide six 5-a-side soccer pitches or four basketball courts and four volleyball courts for local community organisations, welfare bodies, registered schools and sports association initially. Opening hours will be roughly 60 hours per week similar to Penfold Park. Rates and charges imposed by the Leisure and Cultural Services Department (LCSD) for similar venue will be used as reference.

- 1.3 The Premises, with a total floor area of about 6,200m², is an existing covered area located at the concourse on 2/F of Grandstand Carpark along the north-western fringe of Sha Tin Racecourse. The Premises is currently used as a main arrival point to the racecourse for most visitors during the racing days. There is no alteration to the existing building structure in the proposal.
- 1.4 The proposed layout plan and section plan of the Premises submitted by the applicant are shown in **Drawings A-1 and A-2**.
- 1.5 In support of the application, the applicant submitted the following documents:
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| (a) Application form received on 31.7.2018 | (Appendix I) |
| (b) Planning Statement | (Appendix Ia) |
| (c) Further information (FI) received on 29.8.2018 | (Appendix Ib) |
| (d) FI including a traffic note received on 29.10.2018 | (Appendix Ic) |

2. Justifications from the Applicant

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

- (a) the proposed use is in line with the planning intention of the “OU(Race Course)” zone for active recreational uses which includes sports activities and is compatible with Penfold Park which is open on non-race days;
- (b) the proposed use would provide more choices of recreational facilities to meet the demand of the local community. In light of the lack of community facilities in Fo Tan area, the proposed use could help meet the demand for more recreation and sports facilities;
- (c) the proposed use was presented to the Development and Housing Committee (DHC) of Sha Tin District Council (STDC) by the HKJC on 6.7.2017. The proposed provision of indoor sports courts at the concourse area is welcomed and supported by the DHC of STDC as the same type of facilities in the district are located outdoors and cannot be used on rainy day;
- (d) the primary function of the Premises is a place of refuge in case of fire. It is a spacious covered gathering place before entering the grandstands during race days. The proposed use could better utilize this space on non-race days for different types of sports activities, as a way to promote the importance of sports to the general public;
- (e) the scale of the proposed facilities will not generate any impact to the capacity of any public transport facilities to/from Sha Tin Racecourse. Future users of the facilities are mainly schools and sports groups who would mainly travel by private buses, and minimal impact to MTR Fo Tan Station is envisaged. There will be no impact to the MTR Racecourse Station as the proposed facilities will only be opened during non-race days;

- (f) the traffic generated by the proposed use will be low and will not cause any significant traffic impact to the neighbourhood road networks and existing parking and layby facilities within the Sha Tin Racecourse during non-race days; and
- (g) the proposed use will rely on natural ventilation and central air-conditioning system will not be provided. Employment of extensive sound amplification/public address systems is not envisaged and necessary management measures will be implemented to ensure the future users of the Premises to comply with the relevant noise regulations to avoid noise disturbance.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

There is no previous application at the Premises.

5. **Similar Application**

There is no similar application within the same “OU(Race Course)” zone on the OZP.

6. **The Premises and Its Surrounding Areas (Plans A-1 to A-3)**

6.1 The Premises is:

- (a) located at the concourse area at 2/F of Grandstand Carpark (about 14.65mPD in height) at the Sha Tin Racecourse;
- (b) fully covered with a ceiling height of about 9m. It is the main arrival point to the racecourse which also serves as a place of refuge for Grandstand II building in case of fire; and
- (c) accessible by three footbridges connecting the MTR Racecourse Station and the carpark.

6.2 The subject Grandstand Carpark building is:

- (a) located at the north-western fringe of the Sha Tin Racecourse. To the east is the Grandstand II building and to the further west across Tai Po Road is MTR Racecourse Station; and
- (b) about 24mPD in height which includes parking and a taxi stand on the lower floors.

- 6.3 The surrounding areas have the following characteristics
- (a) to the southeast and further southwest of the Premises are Penfold Park and the Hong Kong Sports Institute; and
 - (b) to the further northwest of the Premises are the residential development including Royal Ascot and Jubilee Garden.

7. **Planning Intention**

The “OU(Race Course)” zone is intended primarily to provide/reserve land for race course and its ancillary uses, and provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of the local residents as well as the general public.

8. **Comments from Relevant Government Departments**

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

Policy Aspect

- 8.1.1 Comments of the Secretary for Home Affairs (SHA):

- (a) he has no objection in-principle to the application; and
- (b) the HKJC should be reminded of its previous commitment that the proposed facilities should be open for community/ school use with a fee structure comparable to those charged by the LCSD for similar facilities.

Land Administration

- 8.1.2 Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) the Premises is situated on Sha Tin Town Lot No. 590, and is governed under New Grant No. 22387 (“the New Grant”). Under the New Grant, the lot shall not be used for any purpose other than (i) horse-racing, including a racecourse and racing-related facilities, together with the facilities provided to support the operations of betting; (ii) such charity and non-profit-making activities other than horse-racing and betting purposes as may first be approved by LandsD; (iii) a members’ club includes commercial, retail, catering, social functions and other recreational activities as are not directly related to horse-racing and betting purposes; and (iv) quarters to be used for the residential accommodation of horse-racing related personnel and such other purposes as may first be approved by LandsD; and (v) the Penfold Park; and

- (b) the proposal under the present application to use the Premises as “Place of Recreation, Sports or Culture” is not permitted under lease. If the application is approved by the Board, the lot owner has to apply to LandsD for lease modification to implement the proposal. However, there is no guarantee that the application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD.

Traffic and Transport

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

he has no objection from traffic engineering perspective taking into account the traffic note submitted by the applicant at **Appendix Ic**.

Fire Safety

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

- (a) he has no objection in-principle to the application subject to:
- (i) fire service installations and equipment being provided to the satisfaction of Fire Services Department; and
 - (ii) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) fire services requirements regarding licencing premises would be imposed upon receipt of formal application via licencing authority.

Building Matters

8.1.5 Comments of the New Territories East (1) and Licensing Section, Buildings Department (CBS/NTE1&L of BD):

he has no objection to the application subject to:

- (a) according to the approved building plans of the Grandstand II processed under BD ref. 2/9126/82(P), the Premises is approved for use as covered pedestrian concourse and some of the required staircases for floors above discharge thereto. It is also noted from paragraphs 2.3 and 5.4 of the Planning Statement that the Premises is a place of refuge for Grandstand II in case of fire. Escape stairs at either end lead to ultimate places of safety. In this respect, the applicant is advised to consult competent building professional and, when necessary, Authorized Person on the feasibility of the proposal for compliance with the Buildings Ordinance, in particular the requirements of means of escape under Part VIA and Regulation 41(1) of Building (Planning) Regulation and Code of Practice for

Fire Safety in Buildings 2011 particularly the requirements in respect of place of public entertainment;

- (b) before any new building works are to be carried out on the Premises, the prior approval and consent from the Building Authority should be obtained, otherwise they are UBW. Detailed comments under the Building Ordinance on the private development(s)/ building(s) such as permissible plot ratio, site coverage, emergency vehicular access, private streets and/or access roads, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the formal building plan submission stage; and
- (c) if the proposed use under application is subject to the issue of a licence, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied.

Environment

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

it is noted that the proposed sports ground could be used for other special and community events during special festival which might cause noise disturbance to nearby noise sensitive receivers. Nevertheless, as stated in the FI submission (**Appendix Ib**), employment of extensive sound amplification/ public address systems is not envisaged and the applicant will implement necessary management measures to ensure future users of the Premises to comply with the relevant noise regulation. In view of the above, he has no in principle objection to the application from the environmental perspective.

8.2 The following Government departments have no objection to/comment on the application:

- (a) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)
- (b) District Officer/Shu Tin, Home Affairs Department (DO/ST, HAD);
- (c) Director of Leisure and Cultural Services;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Mainland South, Drainage Services Department; and
- (f) Project Manager/North, Civil Engineering and Development Department

9. Public Comments Received During Statutory Publication Period

On 7.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 61 public comments from the Civic Party, residents of Royal Ascot and Jubilee Garden, and members of the general public were received. Details of the public comments are at **Appendix II**. Their views are summarized as follows:

Supporting view (2)

- (a) there is demand for sports centre and outdoor ball courts in the local area. The proposed use will provide convenient services to the local residents. The applicant may consider providing badminton courts, changing facilities and benches in the Premises;

Objecting views (59)

- (b) the provision of additional facilities, structures and developments in Sha Tin Racecourse is not supported, and there is lack of local consultation by HKJC; and
- (c) the proposed development will induce adverse impacts on traffic, visual and noise aspects of the area.

10. Planning Considerations and Assessments

- 10.1 The Premises is a covered gathering place before entering the grandstands and a place of refuge in case of fire during race days. The proposed 'Place of Recreation, Sports or Culture' will provide six 5-a-side soccer pitches or four basketball courts and four volleyball courts at the Premises during non-race days for the benefit of the local community. It is generally in line with the planning intention of the "OU(Race Course)" zone, which is intended primarily to provide/reserve land for race course and its ancillary uses, and provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of the local residents as well as the general public.
- 10.2 The HKJC consulted the DHC of STDC on 6.7.2018 and 3.5.2018 regarding the proposed 'Place of Recreation, Sports or Culture' use in the Sha Tin Racecourse, and the proposal was generally welcomed and supported by DHC of STDC. The proposal will better utilise the Premises for provision of sports facilities to the local community during non-race days and the opening hours will be roughly 60 hours per week. It will not alter the existing building structure and hence there is no visual impact. CTP/UD&L, PlanD have no adverse comment on the application.
- 10.3 According to the applicant, employment of extensive sound amplification/ public address systems is not envisaged and necessary management measures will be implemented to avoid noise disturbance. In this regard, DEP has no objection in principle to the application from environmental perspective. Furthermore, it is anticipated that the proposed sports facilities operating during non-race days will not induce any significant impact to the surrounding traffic and pedestrian network. C for T has no objection to the application from traffic engineering perspective. Other concerned bureau/departments including SHA, CBS/NTW1&L of BD and DLO/ST, LandsD have no objection to or no adverse comment on the application.
- 10.4 There are adverse public comments on the application on the grounds of lack of local consultation, and adverse traffic, visual and noise impacts. In this regard, departmental comments and the planning assessment above are relevant. In addition, the current application has been published for public comment under the established statutory procedures. Should the application be approved, the

applicant will be advised to consult and liaise with the local residents to explain the details of the proposal in response to the public comments received.

11. Planning Department's Views

11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the application.

11.2 Should the Committee decide to approve the application, the permission shall be valid until 21.12.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of the fire service installations and water supplies for firefighting before the operation of the proposed use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition (a) is not complied with before the operation of the proposed use, 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**.

11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

12.2 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.

12.3 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.

13. Attachments

Appendix I	Application form received on 31.7.2018
Appendix Ia	Planning Statement
Appendices Ib and Ic	FI received on 29.8.2018 and 29.10.2018

Appendix II	Public comments
Appendix III	Recommended advisory clauses
Drawings A-1 and A-2	Layout plan and section plan
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3a and A-3b	Site photos

**PLANNING DEPARTMENT
DECEMBER 2018**