

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/202

- Applicant** : Ms. Lo Jan Mung represented by Sun Cheong Management Consultant Ltd.
- Site** : Lot 1149 (Part) in D.D. 125, Yuen Long, New Territories
- Site Area** : 840m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Village Type Development” (“V”)
[Restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Private Club with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary private club with ancillary office for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Private Club’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for the applied use for a period of 3 years. The Site is currently deposited with some construction materials and obsolete vehicles.
- 1.2 The Site is related to a previous application No. A/HSK/158 for proposed temporary private club which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 5.7.2019. The Committee noted in the meeting that there was no information included in the application regarding the membership of the proposed operator “Association of the New Territories Environment” (新界環境關注協會) and to indicate the proposed development was intended to serve the local villagers. The application was rejected for the reason that the development was not in line with the planning intention of the “V” zone and there was no strong justification to deviate from the planning intention, even on a temporary basis. The current application is submitted by the same applicant at the same site for similar private club use with similar layout.

- 1.3 The Site is accessible from San Sik Road via a local track and the ingress/egress point is at its north-western boundary (**Drawing A-1** and **Plans A-1 to A-3**). As shown on the layout Plan at **Drawing A-2**, two 2-storey temporary structures with a total floor area of 380m² are proposed. These include a 7.5m high structure for multi-function room, office and store room (floor area not exceeding 184m²) and a 7.5m high structure for conference room and exhibition room (floor area not exceeding 196m²). 4 private vehicle parking spaces are also proposed. Landscaping will be provided in the open area along the internal access road of the Site. The operation hours are from 8:00 a.m. to 11:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. According to the applicant, the association members will mainly use public transport services and walk to the Site (**Drawing A-1**). The estimated number of association members visiting the proposed development will be about 10-20 persons per day. The proposed drainage plan submitted by the applicant is at **Drawing A-3**.
- 1.4 According to the applicant, the proposed development is intended to serve local villagers¹ and bearing social responsibility purposes of the “Association of New Territories Environment” registered under section 11(1) of the Societies Ordinance (Cap. 151). The main purposes of the association are to promote green living spaces and to reduce environmental pollution, by organising events and exhibition in a non-profit-making manner on environmental/greening issues.
- 1.5 A comparison of the applied use and major development parameters of the last application and the current application is given in the following table:

Major Development Parameters	Last Rejected Application (A/HSK/158) (a)	Current Application (A/HSK/202) (b)	Difference (b) – (a)
Applied Use	Proposed Temporary Private Club (3 Years)	Proposed Temporary Private Club with Ancillary Office (3 Years)	Ancillary office specified (office use also proposed in previous application)
Site Area	840m ²	840m ²	Same
Total floor area	386m ²	380m ²	-6m ² (-1.6%)
No. and Use of Structures	3 (multi-function room, office and store room and rain shelter)	2 (multi-function room, office and store room, conference room and exhibition room)	-1 (rain shelter deleted)
No. of Parking Spaces	4 for private cars	4 for private cars	Same
Operation Hours	8am to 11pm daily (including Sundays and public holidays)	8am to 11pm, Mondays to Saturdays and no operation on Sundays and public holidays	No operation on Sundays and public holidays

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

¹ From the member list of the Association of New Territories Environment provided by the applicant, it is noted that most of the members are from nearby villages, including San Wai, Ha Tsuen and Tseung Kong Wai. Detailed information would be deposited at the meeting for Members’ inspection.

- (a) Application Form received on 14.11.2019 with supplementary statement, proposed layout plan, drainage plan, supporting letter, certificate of registration, membership list and constitution and bylaws of “Association of New Territories Environment” **(Appendix I)**
- (b) Further information (FI) from the applicant received on 2.12.2019 providing trip generation rate of the proposed development and pedestrian access arrangement **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]
- (c) FI from the applicant received on 12.12.2019 confirming no operation on Sundays and public holidays **(Appendix Ib)**
[accepted and exempted from publication and recounting requirements]
- (d) FI from the applicant received on 16.12.2019 clarifying the exclusive usage of the carpark by members of Association and the use of public transport by visitors **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]
- (e) FI from the applicant received on 19.12.2019 providing justifications for a new premises in Ha Tsuen, history and past activities organised by the Association and their objectives relating to HSK area **(Appendix Id)**
[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 provided in the supplementary statement attached to the Application Form and the FI received on 19.12.2019 at **Appendices I and Id**. They can be summarized as follows:

- (a) The existing address of the Association in Tuen Mun Lam Tei (about 30m²) is too small in area to accommodate more members and organise exhibition by their own and therefore need expansion in a new premises.
- (b) With the assistance of Ha Tsuen Rural Committee and relevant village representative in supporting the mission of the Association, the applicant has found the Site which is convenient to serve members with more than half of them living in Ha Tsuen. In addition, according to the scope of past activities/functions organised by the Association/co-organised with other associations, the premises need to accommodate more than 200 persons involving members, guests, visitors, students from primary/secondary schools and their teachers/parents. In this regard, it is anticipated that a new premises with considerable area is necessary to organise the future activities and larger event.
- (c) Members are from all social strata and more than half of them are residents of the nearby villages, including special member of Heung Yee Kuk, Vice Chairman of Ha Tsuen Rural Committee and 5 current village representatives of nearby villages.

- (d) Since the Association would organise activities/functions involving many participants from villages in Ha Tsuen, other members and visitors outside Ha Tsuen as well as participants of different walks of life, the village offices in Ha Tsuen would not be able to and is also not suitable for accommodating the activities in view of the village office shall hold their own village activities.
- (e) The proposed private club is free to public especially for villagers to join the activities. Members could use the facilities such as meeting room, multi-function room to organize different types of meetings or exhibitions. The club is intended mainly to serve the local villagers and not intended for commercial purpose. It will provide a better and efficient place for the members and villagers who are willing to contribute to the environment.
- (f) The environmental awareness of villagers will be increased through establishment of the private club and continuous publicity and activities for the local villages including the entire Ha Tsuen. The Association is aimed to enhance the urban-rural integration for HSK New Development Area (NDA) and reduce the environmental pollution problems in the district. By providing local services and through co-organizing activities with Ha Tsuen Rural Committee and villages nearby, it may help to promote balanced development and conservation.
- (g) The applied use is of small scale and of temporary in nature. Landlord considers it not necessary to build all land within “V” zone for small houses, but supporting conservation and providing knowledge service are also important for villagers.
- (h) The proposed development is a temporary use which will not jeopardize the long term planning intention of the “V” zone. The Site is not subject to any land transaction being proposed by the Land Authority for the conversion into low density residential use.
- (i) The nature, form and layout of the proposed development are compatible with the surrounding environment. It would not affect the character of the indigenous village.
- (j) The proposed development will not have adverse drainage, traffic, environmental and visual impacts on the surrounding uses.

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 posting site notice and sending notice to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The storage use on the Site may be subject to planning enforcement action.

5. Previous Application

The Site is related to a previous application No. A/HSK/158 for proposed temporary private club which was rejected by the Committee on 5.7.2019 for the reason that the development was not in line with the planning intention of the “V” zone and there was no strong justification to deviate from the planning intention, even on a temporary basis. During the meeting, the Committee noted that there was no information provided by the applicant regarding the membership of the association, nor indication that the proposed development was intended to serve the local villagers. The current application is submitted by the same applicant at the same site for similar private club use with similar layout. Details of this application is summarized at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the subject “V” zone on the approved HSK and HT OZP.

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

7.1 The site is:

- (a) currently deposited with some construction materials and obsolete vehicles; and
- (b) accessible from San Sik Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its north is a cluster of village houses in Tseung Kong Wai while to its further north are office and storage uses, and some open storages of converted containers, recycling and construction materials;
- (b) to its east is a vehicle park and a cluster of village houses in Tseung Kong Wai;
- (c) to its south are a residential house, storage, shop uses while to its further south are some open storage and vehicle park; and
- (d) to its west is a piece of vacant land while to its further west are some residential dwellings and open storage of vehicles, construction materials, machinery and generators.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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 the ground floor of a New Territories Exempted House (NTEH). 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 and public comments 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 an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Lot No. 1149 in D.D. 125 is covered by Short Term Waiver No. 4569 (STW4569) for the purposes of Temporary Shop and Services (Real Estate Agency).
- (c) The Site is accessible from San Sik Road through Government Land (GL) and private lots. His office provides no maintenance works over the GL involved and does not guarantee any right-of-way to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) According to his record, there are no Small House applications approved/under processing for the Site, and there are 13 small house applications approved and no small house applications under processing in the area within 30 metres from the Site.
- (f) Should the application be approved, the STW holder will need to apply to his office for modification of the STW conditions where appropriate. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of 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 the LandsD.

Traffic

9.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from the public road.

- (c) The local track leading to the Site is not under TD's purview. The applicant is advised to obtain consent of the owner/managing departments of the local track for using it as the vehicular access to the Site.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and temporary road near San Sik Road.

Environment

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

- (a) 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.
- (b) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Drainage

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

- (a) He has no objection in principle to the development from a drainage point of view.
- (b) Should the application be approved, conditions should be stipulated requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (c) His detailed comments on the submitted drainage proposal are at **Appendix IV**.

Building Matters

9.1.6 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 (BA) for the existing structures at the Site.

- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) 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.
- (d) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) 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) Regulation (B(P)R) respectively.
- (f) 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.

Fire Safety

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

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

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

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comments from the locals on the application.

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

- (a) Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD);
- (b) Commissioner of Police (C of P); and
- (c) Chief Engineer/Development (Construction), Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 22.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 13.12.2019, one public comment from an individual was received (**Appendix III**), raising concern that no substantive information on the proposed development to serve the local villagers have been provided.

11. Planning Considerations and Assessment

- 11.1 The Site is subject to a previous application No. A/HSK/158 for proposed temporary private club which was rejected by the Committee on 5.7.2019. The Committee noted in the meeting that there was no information included in the application regarding the membership of the proposed operator and to indicate the proposed development was intended to serve the local villagers. The application was rejected for the reason that the development was not in line with the planning intention of the "V" zone and there was no strong justification to deviate from the planning intention, even on a temporary basis.
- 11.2 The current application is for a similar temporary private club use and submitted by the same applicant. To address the concern of the Committee on the previous application, the applicant has provided the membership list of the Association of which most of the members are from nearby villages and local stakeholders, including Heung Yee Kuk, Ha Tsuen Rural Committee and village representatives of nearby villages. In addition, the applicant advised that the existing address for the Association in Lam Tei, Tuen Mun of about 30m² is too small in area to accommodate the members and to organise activities. According to the scope of past activities/functions organised by the Association/co-organised with other associations, there is a need for a more proper premises with considerable area to accommodate members, guests, visitors and students from primary/secondary schools, etc. and to serve most members from nearby villages in Ha Tsuen in a convenient manner. The Association intends to provide local services and, through co-organizing activities with Ha Tsuen Rural Committee and villages nearby, promote balanced development and conservation in the area.

- 11.3 The application for proposed temporary private club with ancillary office falls within the “V” zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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. Although the proposed temporary private club is not entirely in line with the planning intention of the “V” zone, the Association could help to promote environmental awareness within the local community and serve the local villagers. Moreover, DLO/YL of LandsD advises that no Small House application within the Site has been received. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.
- 11.4 The proposed temporary use at the Site is not incompatible with the existing land use for the area, which is predominately occupied by village houses with storage use scattered at the fringe of Tseung Kong Wai.
- 11.5 While the Site has an area of about 840m², a great portion of the area is designated for landscaping and circulation space. In view of the small scale of the temporary development with a floor area of about 380m², it is unlikely that the development would generate adverse traffic or environmental nuisance to the surrounding areas. Relevant Government departments, including DEP, AC for T/NT of TD and CE/MN of DSD have no adverse comment on the application. Significant environmental, traffic and drainage impact to the area is not expected.
- 11.6 Relevant approval conditions have been recommended in paragraph 12.2 to minimize any possible nuisances or to address the technical requirements of the concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised development on the Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.7 There is one public comment received with concern stated in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the proposed temporary private club with ancillary office 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 **3.1.2023**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation from 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.7.2020**;
- (d) in relation to (c) above, the implementation of the 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**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.7.2020**;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.10.2020**;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (c), (d), (f) or (g) is not complied with by the above 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 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 "Village Type Development" zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong justification to deviate from the planning intention, even on a temporary basis.

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 received on 14.11.2019 with supplementary statement, proposed layout plan, drainage plan, supporting letter, certificate of registration, membership list and constitution and bylaws of “Association of New Territories Environment”
Appendix Ia	FI from the applicant received on 2.12.2019 providing trip generation rate of the proposed development and vehicular and pedestrian access arrangement
Appendix Ib	FI from the applicant received on 12.12.2019 confirming no operation on Sundays and Public Holidays
Appendix Ic	FI from the applicant received on 16.12.2019 clarifying the exclusive usage of the carpark by members of Association and the use of public transport by visitors
Appendix Id	FI from the applicant received on 19.12.2019 providing justifications for a new premises in Ha Tsuen, history and past activities organised by the Association and their objectives relating to HSK area
Appendix II	Previous application covering the Application Site
Appendix III	Public Comment
Appendix IV	Advisory Clauses
Drawing A-1	Vehicular and Pedestrian Access to the Site
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1	Location Plan with Previous application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos