

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/365

- Applicants** : Mr. Ajoy Bannerji and Mrs. Devina Bannerji represented by LandsProject Limited
- Site** : Lot 479 in D.D. 244, Ho Chung New Village, Sai Kung, New Territories
- Site Area** : About 121m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/12
- Zonings** : “Village Type Development” (“V”) (about 111m² or 91.7%)
[Restricted to a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater]
- “Agriculture” (“AGR”) (about 10m² or 8.3%)
- Application** : Temporary Private Swimming Pool and Garden for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission to use the application site (the Site) for temporary private swimming pool and garden for a period of three years which falls within an area largely zoned “V” with a minor portion on “AGR” zone on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used as private swimming pool and garden for the adjoining village house (i.e. No. 206, Ho Chung New Village at Lots 475 S.B and 480 RP in D.D. 244) without a valid planning permission (**Plan A-2**).
- 1.2 The Site is directly accessible from House No. 206 and is completely fenced off by concrete wall and main gate of the house in western, southern and eastern sides. According to the applicants, the development comprises a

temporary private swimming pool of about 29.4m² (**Drawing A-3**) and the remaining part of the Site is used for garden purpose (about 91.6m²). The Site is the subject of two previous applications for temporary private swimming pool with or without garden use for a period of three years each, which were both submitted by the same applicants and approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2014 and 2019 respectively. Details of the previous applications are in paragraph 5 below and at **Appendix II**. The nature, layout and development parameters of the current applied uses remain unchanged compared with the latest approved scheme of which the planning permission lapsed on 5.1.2022. The layout plan, section plan and land survey plan submitted by the applicants are at **Drawings A-1 to A-3** respectively.

1.3 In support of the application, the applicants have submitted the following documents:

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|-----|---|------------------------|
| (a) | Application Form received on 9.1.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 12.2.2025* | (Appendix Ia) |
| (c) | FI received on 17.4.2025* | (Appendix Ib) |
| (d) | FI received on 25.4.2025* | (Appendix Ic) |
| (e) | FI received on 7.7.2025* | (Appendix Id) |

**accepted and exempted from publication and recounting requirements*

1.4 On 28.2.2025 and 6.6.2025, the Committee of the Board agreed to the applicants' requests to defer making a decision on the application for two months each.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form and FIs at **Appendices I to Id**. The applicants claimed that the swimming pool was built before they moved in and they would like to keep it for leisure and landscape purpose.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/SK-HC/235 and 300) submitted by the same applicants as the current application for temporary private swimming pool with or without garden use for a period of three years each. Both applications were approved with conditions by the Committee in 2014 and 2019 respectively mainly on the considerations that the long-term planning intention of the “V” zone would not be jeopardized and no significant adverse impacts were anticipated. For the latest approved application No. A/SK-HC/300, the relevant approval conditions related to the submission and implementation of fire service installations (FSIs) proposal have been complied with. The planning permission lapsed on 5.1.2022.
- 5.2 Details of the previous applications are at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Application

There is no similar application for temporary private swimming pool and garden within the same “V” and “AGR” zones on the OZP.

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

- 7.1 The Site is:
- (a) fronting a 3-storey village house (i.e. House No. 206) where the house, a private garden and the swimming pool are completely fenced off by a concrete wall with the main gate facing south;
 - (b) within the ‘village environs’ (‘VE’) of Ho Chung; and
 - (c) accessible by a local track leading from Ho Chung Road.
- 7.2 The surrounding areas are predominantly rural in character comprising mainly village houses, carpark and shrubs. The Site together with the adjoining house are located at the western edge of the village cluster of Ho Chung New Village. To the further north is Ho Chung River.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern,

efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

- 8.2 The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices III** and **IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private swimming pool and garden for a period of three years at the Site largely zoned “V” (92%) with a minor portion zoned “AGR” (8%) on the OZP. Although the applied uses are not in line with the planning intentions of the “V” and “AGR” zones, it is intended to serve the residents of the adjoining village house within the “V” zone of Ho Chung. Only a small portion of the Site (about 8%) falls within “AGR” zone and the Director of Agriculture, Fisheries and Conservation has no objection to the application. According to the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD), there is no Small House application approved or under processing within the Site. Based on the Planning Department (PlanD)’s latest estimate with reference to LandsD’s information on Small House demand¹, land available within the “V” zone is still enough to meet the outstanding Small House demand. Given its temporary nature of the swimming pool and garden, approval of the application on temporary basis for a period of three years would not jeopardise the long-term planning intentions of the “V” and “AGR” zones.

¹ According to DLO/SK, LandsD, there are 84 outstanding Small House applications being processed in Ho Chung. The Indigenous Inhabitant Representative (IIR) of Ho Chung has not provided the figure for 10-year Small House demand forecast since 31.12.2019. The latest record (as at 31.12.2019) provided by the IIR for the 10-year Small House demand was 480. The figure has not been verified by DLO/SK, LandsD. Based on the latest estimate by PlanD, about 3.65ha of land area is available within the “V” zone of Ho Chung (equivalent to 146 Small House sites).

- 11.2 Located at the western fringe of the village clusters of Ho Chung zoned “V” with houses to the north, east and south, the Site is currently used as private swimming pool and garden without planning permission. According to the Chief Town Planner/Urban Design and Landscape, PlanD, noting that the Site mainly falls into a non-sensitive zoning, no existing trees and no significant landscape resources are observed. Significant landscape impact arising from the applied uses is not anticipated.
- 11.3 Relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department, Chief Engineer/Construction, Water Supplies Department and Director of Fire Services (D of FS) have no objection to or no comment on the application from traffic, environmental, drainage, sewerage, water supply and fire safety perspectives respectively.
- 11.4 The Site is the subject of two previously approved applications for same uses submitted by the same applicants. The last planning permission lapsed on 5.1.2022 which the applicants have complied with all the approval conditions. The nature, layout and development parameters of the applied uses under the current application remain unchanged as compared to the previously approved schemes. Approval of the current application is in line with the Committee’s previous decisions. As the FSIs proposal under the last approval has been implemented, D of FS advises that relevant approval condition is not required for the current application should the Committee approve the application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, PlanD has no objection to the application.
- 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 three years until 15.8.2028. The recommended advisory clauses are 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 applied uses are not in line with the planning intention of the “Village Type Development” zone, which is primarily for development of Small Houses by indigenous villagers. There is no strong planning justifications have been given in the submission for a departure 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 applicants.

14. Attachments

Appendix I	Application Form received on 9.1.2025
Appendix Ia	FI received on 12.2.2025
Appendix Ib	FI received on 17.4.2025
Appendix Ic	FI received on 25.4.2025
Appendix Id	FI received on 7.7.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Section Plan
Drawing A-3	Land Survey Plan
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
AUGUST 2025**