

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H7/178**

- Applicant** : The Hong Kong Jockey Club represented by  
Daniel Tong Chartered Architect & Associates Limited
- Site** : 48 Shan Kwong Road, Happy Valley, Hong Kong
- Site Area** : 9,030m<sup>2</sup> (about)
- Lease** : Inland Lot (I.L.) No. 3054  
(a) from 28.4.1930 for 75 years, renewable for further term of 75 years  
(b) no restriction on user except design and disposition clause and non-offensive trades clause
- Plan** : Approved Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/21
- Zoning** : “Residential (Group C)1” (“R(C)1”)  
- Subject to a maximum plot ratio (PR) of 5 and maximum building height (BH) of 130mPD as stipulated on the OZP or the PR and height of the existing building, whichever is the greater.
- Application** : Renewal of Planning Approval for Temporary Private Club (Recreation Facilities) Use

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to continue the use of 48 Shan Kwong Road, Happy Valley (the Site) (**Plan A-1**) for temporary private club (recreation facilities) for a period of 3 years. According to the Notes of the OZP for the “R(C)1” zone, ‘Private Club’ is a Column 2 use and planning permission from the Town Planning Board (the Board) is required. The Site has been used as temporary recreational facilities for the use of the members of The Hong Kong Jockey Club (HKJC) since 1988. There were seven previous applications for temporary recreational uses approved by the Metro Planning Committee (the Committee) of the Board. The Site is currently occupied by the applied use with valid planning permission under application No. A/H7/176 until 30.4.2021 (**Plans A-2, A-4 and A-5**).

- 1.2 The major development parameters and facilities of the current scheme are the same as the previously approved application No. A/H7/176. The Site is located on a sloping area with two platforms. There are 3 open-air tennis courts at the lower platform on the northern part of the Site, and 5 open-air tennis courts, 1 open-air practice court and golf short game area on the upper platform in the south (**Plans A-2 and A-3**). There is also a 4-storey sports complex (with squash court, golf simulator room, studio, changing rooms and toilets, snack bar, aerobic studio, sports equipment kiosk, stores and ancillary offices) located between the two platforms. The sports complex has a total gross floor area of about 1,605m<sup>2</sup> and a BH of 15.1m (or 69.6mPD). The operation hours of the Site is 7:00 a.m. to 11:30 p.m. daily. The layout plan showing the recreational facilities on the Site and the floor plans, sections and elevations for the sport complex submitted by the applicant are shown in **Drawings A-1 to A-8**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with site plan, floor plans, sections, elevations and supplementary justifications received on 19.2.2021 **(Appendix I)**
  - (b) Further Information (FI) received on 7.4.2021 providing information on traffic improvement measures undertaken/ being undertaken in the area in response to public comments **(Appendix Ia)**
  - (c) FI received on 9.4.2021 clarifying the operation hours of the Site **(Appendix Ib)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application in Part 10 of the application form and Annex at **Appendix I**, and FI at **Appendix Ia** are set out below:

- (a) The renewal of planning permission for the temporary recreational facilities is necessary to maintain existing facilities for members of the HKJC while the HKJC is planning for the redevelopment of the Site into a residential and sports complex. HKJC has been fully preoccupied by the Happy Valley Club House Extension (HVCHE) in the last few years. HKJC was granted an Occupation Permit in June 2019 to commence renovation work of HVCHE, but the progress of the renovation work in later part of 2019 was affected by the social events. The Certificate of Compliance was obtained in June 2020 for HVCHE to start operation but was only opened for HKJC club members' use at a reduced scale in late October 2020 due to the global pandemic situation. For instance, recreational facilities such as roof-top tennis courts had to be closed most of the time due to prevailing public health and social distancing restrictions. In this regard, the HKJC requires a longer observation period to assess the operation of the new facilities and understand areas of improvement to better serve HKJC members as well as the impacts to the neighborhood.

- (b) The redevelopment of the Site will be a major investment by HKJC. A mixed redevelopment concept has obtained in-principle agreement by the senior management of HKJC and a thorough revisit of the studies hitherto completed to find the best residential flat-mix, new facilities required, financial viability, as well as the future management model of the redevelopment, is needed, in light of the latest economic outlook. Also, other relevant technical impact assessments, such as traffic, visual, environmental and geotechnical engineering, drainage and sewage, need to be undertaken to assess the impacts of the redevelopment to the neighbourhood. Market research on the best residential flat-mix and investment analysis of the redevelopment project have already commenced in Q1 2021 and will take about six months to complete. HKJC anticipates that the technical studies will be conducted in phases starting from Q4 2021 and plans to submit a s.16 application to the Board for approval in Q2 2023. It is expected that the construction of the whole redevelopment project will take about five years to complete in view of site constraints and other geotechnical and engineering challenges.
- (c) The Site is subject to seven previous applications for the same temporary recreational facilities. The current layout of the Site is the same as the previous seven applications. HKJC has been in close contact with the neighbourhood and there are no major complaints on the present recreational use.
- (d) Concerning the traffic congestion issues raised in the public comments (**Appendix III**) received during the public inspection, four traffic improvement works at the junction of Shan Kwong Road/ Village Road (South), junction of Sing Woo Road/ Blue Pool Road/ Holly Road, junction of Shan Kwong Road/ Yuk Sau Street and roadway of Shan Kwong Road at the HKJC Clubhouse portion are proposed and approved by the Transport Department and the Highways Department. The first three of these works have been completed.

### **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. Town Planning Board Guidelines**

- 4.1 According to 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), the criteria for assessing applications for renewal of planning approval are as follows:
  - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/ land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);

- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and
  - (e) any other relevant considerations.
- 4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

## **5. Background**

- 5.1 The Site and its opposite site (i.e. 25 Shan Kwong Road) are under private ownership of HKJC. They were zoned “Other Specified Uses” (“OU”) annotated “Royal HKJC Stables” (“OU (RHKJC Stables)”) on the first statutory plan covering the Wong Nai Chung area (i.e. draft Wong Nai Chung OZP No. LH7/6) in 1969. The Site was occupied previously by two stable blocks since 1930. In view of race course development at Shatin in 1980s, HKJC considered that these stables at the Site were no longer required. Upon the request by HKJC, the Board agreed on 20.2.1981 to rezone the Site from “OU (RHKJC Stables)” to “R(C)”. The amendment was incorporated on the draft Wong Nai Chung OZP No. LH7/7D which was exhibited for public inspection on 29.5.1981. The Site was further rezoned from “R(C)” to “R(C)1” with PR restriction on the draft Wong Nai Chung OZP No. S/H7/2 which was exhibition for public inspection on 9.6.1989.
- 5.2 BH restrictions of 115mPD (eastern part) and 130mPD (western part) were imposed for the Site on the draft Wong Nai Chung OZP No. S/H7/14 which was exhibited for public inspection on 18.1.2008. On 8.8.2008, the Board considered among others, the representation of HKJC in relation to the Site and decided to uphold HKJC’s representation by relaxing the BH restriction for the eastern part of the Site from 115mPD to 130mPD. On 29.8.2008, the proposed amendments were published for public inspection under section 6C(2) of the Town Planning Ordinance (the Ordinance). After giving further representations on 14.11.2008, the Board decided not to uphold the further representations and to amend the OZP by the proposed amendments under sections 6F(8) and 6G of the Ordinance. There is no change to the zoning of the Site and its PR and BH restrictions since then.

## **6. Previous Applications**

- 6.1 The Site was involved in seven previous approved planning applications (A/H7/56, 75, 101, 139, 147, 163 and 176) all for the same use with the same boundary and

submitted by the same applicant as the current application. The applications were approved by the Committee between 1988 and 2018. Details of the applications are summarised in **Appendix II**.

- 6.2 Application No. A/H7/56 was approved on 13.5.1988 with an approval period of 10 years until 1.5.1998 and the applicant is advised to implement measures to reduce the possible environmental nuisance to the residents at 22-40 Shan Kwong Road as far as possible. Application No. A/H7/75 was approved on 6.9.1991 for modification of the previously approved scheme and was valid until 30.4.1998.
- 6.3 Application No. A/H7/101 for extending the time period for temporary recreational facilities use cum utility installation for private project (electric substation) was approved on 20.9.1996 with an approval period of 5 years from 1.5.1998 to 1.5.2003.
- 6.4 Application No. A/H7/139 for private club (recreation facilities) was approved on 27.9.2002 with an approval period of 5 years from 1.5.2003 to 1.5.2008. The 2 subsequent renewal applications (A/H7/147 and 163) were approved with/ without conditions by the Committee on 1.2.2008 and 1.3.2013 each for a period of 5 years mainly on the consideration that the renewal application complied with the relevant assessment criteria in the then TPB PG-No. 34A/ 34B.
- 6.5 The last application No. A/H7/176 for renewal of planning approval for temporary private club (recreation facilities) use for a period of 5 years was approved with conditions for a period of 3 years (instead of 5 years sought) by the Committee on 20.4.2018 for closer monitoring of the progress of the redevelopment proposal of the site. The approval conditions under the last application have been complied with and the permission is valid up to 30.4.2021.

## **7. Similar Application**

There is no similar application for temporary private club (recreation facilities) within “R(C)1” zone on the OZP.

## **8. The Site and Its Surrounding Areas (Plans A-1 to A-5)**

### **8.1 The Site is:**

- (a) currently occupied by recreational facilities of HKJC as mentioned in paragraph 1.2 above; and
- (b) accessible via Shan Kwong Road.

### **8.2 The surrounding areas have the following characteristics:**

- (a) to its north and north-west are medium to high-rise residential developments with a mixture of Government, institution and community (GIC) facilities and other specified uses (e.g. Po Kok Primary School, Tung Lin Kok Yuen and the Jewish Cemetery);

- (b) to its east across Shan Kwong Road is the HKJC Happy Valley Clubhouse and HVCHE; and
- (c) to its south and south-west are steep slopes zoned “Green Belt”.

## **9. Planning Intention**

The planning intention of the “R(C)1” zone in Happy Valley area is intended primarily for low to medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

- 10.1 The following government departments have been consulted and their views on the application and the public comments received are summarised as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) The Site falls on I.L. 3054, which is held under Government Lease dated 29.9.1933 (the Lease). The Lease does not have any specific user restriction other than a standard offensive trade restriction. The Lease also contains a design and disposition clause. An offensive trade licence was issued on 20.6.2018. His office has no comment on the application.
- (b) The proposal submitted by the applicant does not conflict with the lease conditions governing the Site and so if the proposal is approved by the Board, the applicant is not required to seek a lease modification from LandsD to implement it. Therefore, any planning conditions, if imposed by the Board, cannot be written into the lease through lease modification.

### **Building Matters**

- 10.1.2 Comments of the Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (CBS/HKE&H, BD):

- (a) She has no objection to the application.
- (b) Temporary Building Permit No. 5/88 for the building on the Site will expire on 1.5.2021 and its renewal will be considered upon re-application.

## **Traffic**

### 10.1.3 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering point of view. According to the applicant, the current recreational facilities will be maintained in-situ.
- (b) Regarding the applicant's FI (**Appendix Ia**) on traffic improvement works, his department has further implemented enhancement works at the junction of Shan Kwong Road/ Village Road (South) by adjusting the method of control of traffic lights, changing 3 signalised crossings to cautionary crossings and increasing green time for vehicular traffic in July 2020. The traffic conditions at junction of Shan Kwong Road/ Village Road (South), junction of Sing Woo Road/ Blue Pool Road/ Holly Road and junction of Shan Kwong Road/ Yuk Sau Street are considered acceptable upon commissioning of the clubhouse extension based on his department's site observation. For roadway of Shan Kwong Road at the HKJC clubhouse portion, local consultation on the proposal suggested in the FI (**Appendix Ia**) has been conducted and objections are being resolved. There is no programme to implement the aforementioned proposal at the moment.
- (c) Two public comments (**Appendix III**) alleged that the traffic condition in Happy Valley has become worse after commissioning of HVCHE, which is located opposite to the Site (IL3054). According to his department's site observation, the traffic condition is considered acceptable upon commissioning of HVCHE.

## **Architectural and Visual**

### 10.1.4 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) He has no comment from architectural and visual impact point of view.
- (b) The application involves no changes to the BH and overall massing.

## **Environment**

### 10.1.5 Comments of Director of Environmental Protection (DEP):

- (a) She has no objection to the application from environmental planning perspective.
- (b) There is no change in the proposed uses and total gross floor area when compared to the latest approved permission No. A/H7/176.

Hence, the proposed renewal of the planning permission for a period of 3 years is unlikely to result in adverse environmental impact.

### **Fire Safety**

#### 10.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection to the application.
- (b) Should the application be approved by the Committee, the following planning condition should be included:

the provision of fire service installations and water supplies for firefighting within six months from the date of the planning approval to the satisfaction of the D of FS or of the Board.

#### 10.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HKI, DSD);
- (b) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (d) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (e) Commissioner of Police (C of P);
- (f) District Officer (Wan Chai), Home Affairs Department (DO(WC), HAD); and
- (g) Chief Officer (Licensing Authority), HAD (CO(Licensing Authority)).

## **11. Public Comments Received During the Statutory Publication Period**

On 26.2.2021, the application was published for public inspection. During the three weeks statutory public inspection period, four public comments (**Appendix III**) on the application were received. Two individuals objected to the application on the grounds of adverse traffic and pedestrian impacts caused by the HKJC Happy Valley Clubhouse and HVCHE. Another two individuals suggested to open the Site for the use of general public in view of strong demand for outdoor and active recreation facilities.

## **12. Planning Considerations and Assessments**

12.1 The application is for the renewal of the planning permission for the temporary private club (recreation facilities) use at the Site. While the proposed temporary use is not in line with the planning intention of the “R(C)1” zone, which is intended primarily for low to medium-density residential developments, it is noted that the applicant intends to explore various redevelopment options of the Site, including a mixed development with residential and sports complex, and more time is required to investigate the best residential flat-mix, new facilities



required, financial viability, future management model in light of the latest economic outlook, as well as to complete the required technical assessments. In the meantime, the proposed temporary use would enable a longer observation period for the applicant to assess the operation of the new facilities of HVCHE. As the applicant intends to redevelop the Site in the long run, it is considered that the approval of the temporary use for a period of 3 years would not frustrate the long term planning intention of the “R(C)1” zone on the OZP.

- 12.2 The proposed temporary use is considered not incompatible with the surrounding areas, which are predominantly a residential neighbourhood with mixture of GIC facilities and other specified uses such as school, monastery, private club and cemetery. All concerned government departments have no adverse comment on the application.
- 12.3 The renewal application also complies with the relevant assessment criteria in TPB PG-No. 34C in that:
- (a) seven planning permissions were previously granted for temporary private club (recreation facilities) on the Site. There has been no material change in the planning circumstances and the land uses of the surrounding areas since the granting of previous temporary approval under application No. A/H7/176 on 20.4.2018;
  - (b) all the approval conditions under the previous application have been complied with; and
  - (c) a mixed redevelopment concept is being explored by the applicant on the Site. More time is required for the applicant to investigate the best residential flat-mix, new facilities required, financial viability, future management model and to complete the required technical assessments. Approval period of 3 years, which is the same timeframe as that in the last previous application, is therefore considered reasonable.
- 12.4 The previous application No. A/H7/176 was approved with conditions by the Committee on 20.4.2021 for a period of 3 years, instead of 5 years sought, for closer monitoring of the progress of the redevelopment proposal of the Site. In response to the Committee’ above concern, the applicant provides in the current application an update of the latest redevelopment proposal of the Site (i.e. a mixed development) as mentioned in paragraph 12.1 above. The applicant has also provided a preliminary timeframe of the redevelopment project; i.e. market research on the best residential flat-mix and investment analysis of the redevelopment project have already commenced in Q1 2021 and will take about six months to complete. The associated technical studies will be conducted in phases starting from Q4 2021. The applicant intends to submit a s.16 application to the Committee for consideration in Q2 2023. The applicant has expected that the construction of the whole redevelopment project will take about five years to complete in view of site constraints and other geotechnical and engineering challenges.
- 12.5 There are four public comments as summarised in paragraph 11 above. Regarding the public concerns on adverse traffic and pedestrian impacts caused by the HKJC Happy Valley Clubhouse and HVCHE, the applicant has clarified in the FI

(**Appendix Ia**) that relevant traffic improvement works have already been undertaken and TD also considers that the traffic condition is acceptable upon commissioning of HVCHE. As for the suggestion on opening up the site to public due to the demand for outdoor and active recreational facilities, it should be noted that the existing provision of recreational facilities and open space in Wan Chai District is sufficient to meet the needs of the population according to the Hong Kong Planning Standards and Guidelines and as the Site is under private ownership, whether to open up the Site for public use is at the owner's sole discretion.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 1.5.2021 to 30.4.2024. The following conditions of approval are also suggested for Members' reference:

#### Approval Conditions

- (a) the provision of fire service installations and water supplies for firefighting within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.11.2021; and
- (b) if the above planning condition 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.

*[All approval conditions are the same as those under the permission for application No. A/H7/176.]*

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

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

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| <b>Appendix I</b>          | Application form with site plans, floor plans, sections, elevations and supplementary justifications received on 19.2.2021 |
| <b>Appendix Ia</b>         | FI received on 7.4.2021  |
| <b>Appendix Ib</b>         | FI received on 9.4.2021  |
| <b>Appendix II</b>         | Previous Applications covering the Application Site  |
| <b>Appendix III</b>        | Public Comments received during the Statutory Publication Period   |
| <b>Drawing A-1</b>         | Site Plan  |
| <b>Drawings A-2 to A-5</b> | Floor Plans  |
| <b>Drawings A-6 to A-8</b> | Sections and Elevations  |
| <b>Plan A-1</b>            | Location Plan  |
| <b>Plan A-2</b>            | Site Plan  |
| <b>Plan A-3</b>            | Aerial Photo   |
| <b>Plans A-4 to A-5</b>    | Site Photos  |

**PLANNING DEPARTMENT  
APRIL 2021**