

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

APPLICATION NO. A/H7/184

<u>Applicant</u>	: The Hong Kong Jockey Club represented by DLN Architects Limited
<u>Site</u>	: 48 Shan Kwong Road, Happy Valley, Hong Kong
<u>Site Area</u>	: 9,030m ² (about)
<u>Lease</u>	: 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 standard offensive trade restriction
<u>Plan</u>	: Approved Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/21
<u>Zoning</u>	: “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
<u>Application</u>	: Renewal of Planning Approval for Temporary Private Club (Recreation Facilities) Use for a Period of 3 Years

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 eight previous applications for the same temporary recreational uses approved by the Metro Planning Committee (the Committee) of the Board. Approval conditions were all complied with. The Site is currently occupied by the applied use with valid planning permission under application No. A/H7/178 until 30.4.2024 (**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 last approved application No. A/H7/178. 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 (GFA) of about 1,605m² and a BH of 15.1m (or 69.6mPD). The operation hours of the Site is from 7:00 a.m. to 11:30 p.m. daily. The layout plan showing the recreational facilities on the Site, as well as 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 23.1.2024 **(Appendix I)**
 - (b) Further Information (FI) received on 28.2.2024 [#] **(Appendix Ia)**
 - (c) FI received on 6.3.2024 [#] **(Appendix Ib)**

[#] *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 at the application form and Annex A at **Appendix I** and in the FI at **Appendix Ia**. They can be summarised as follows:

- (a) Since the last planning approval (No. A/H7/178), there has been no material change in planning circumstances, land use of the surrounding areas and the proposed use/layout in the renewal application. The Sports Complex has resumed normalcy after the pandemic with high utilisation rate for its facilities. No adverse planning implication will arise from the renewal of planning approval. The approval condition under the previous application has been complied with to the satisfaction of concerned government departments, such as the Fire Services Department (FSD).
- (b) Planning and preparatory work for the redevelopment of the Site into a residential-cum-sports complex since the last planning approval in April 2021 has been carried out. Given the economic downturn and post-pandemic situation, HKJC has to re-examine the market studies and other technical studies and assessments conducted before to deliberate the optimal residential flat-mix, new facilities required and financial viability of the redevelopment project to best suit HKJC's integrated business model. In terms of operational impact, whilst the New Wing of Happy Valley Clubhouse (the New Wing) to the east of the Site across Shan Kwong Road (**Plan A-2**) was officially open for the use by HKJC's members in late October 2020, the usage has gradually run to its full scale by end December 2022, after which

HKJC could only start conducting detailed assessment of the impact of the New Wing on the neighbourhood, such as traffic impact, users' feedback on its facilities as well as focus group discussion on HKJC members' expectation on facility provision at the future residential-cum-sports complex redevelopment at the Site.

- (c) Since Q1/2022, HKJC has initiated market research and explored different development options for the redevelopment project. Since Q4/2022, major technical assessments including Geotechnical Assessment, Tree Preservation and Removal Proposal, Sewerage and Drainage Impact Assessment, Environmental Assessment, Traffic Noise Impact Assessment, Traffic Impact Assessment and Visual Impact Assessment have been carried out. Since Q2/2023, HKJC has been in liaison with relevant government departments to identify preliminary key development parameters and technical aspects/constraints in relation to the future redevelopment of the Site, such as building disposition, slope management and potential traffic impact.
- (d) HKJC plans to engage an international acclaimed architect through design competition or other procurement method with a view to finalising the proposal of residential-cum-sports complex for submission to the Board by Q4/2025. As the Site is situated at the upper tip of Shan Kwong Road and along the steep slope, meticulous planning on this project before demolition of the existing sports complex in Q2/2027 is required.
- (e) HKJC has been in close contact with the neighbourhood and there are no major complaints on the present recreational use. Together with the New Wing, HKJC had also renovated the nearby Shan Kwong Road Park for enjoyment by the local community in 2019.

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

The applicant is the sole “current land owner” of the Site. 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. 34D), 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

The Site and its opposite site (i.e. 25 Shan Kwong Road) are under private ownership of HKJC. They were rezoned from “Other Specified Uses” (“OU”) annotated “Royal HKJC Stables” (“OU (RHKJC Stables)”) to “R(C)” on 29.5.1981 at HKJC’s request on the consideration that the stable blocks there were no longer required since race course was developed at Shatin in 1980s. 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 gazetted on 9.6.1989.

6. Previous Applications

- 6.1 The Site was involved in eight previous planning applications (A/H7/56, 75, 101, 139, 147, 163, 176 and 178), all for the same recreational use submitted by the same applicant as the current application. The applications were all approved by the Committee between 1988 and 2021. Details of the applications are summarised in **Appendix II**.
- 6.2 The first planning application No. A/H7/56 for temporary recreational facilities was approved on 13.5.1988 with an approval period of 10 years 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. Subsequently, application No. A/H7/75 for modification of the previously approved scheme of No. A/H7/56 was approved on 6.9.1991 and valid until 30.4.1998. Subsequently, the Site has been approved with/without conditions by the Committee for further six times. The last renewal application No. A/H7/178 was approved with conditions by the Committee on 16.4.2021 for a period of 3 years. The approval conditions under the last application relating to provision of fire services and water supplies for firefighting have been complied with and the permission is valid up to 30.4.2024.

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, Aerial Photo on Plan A-3 and Site Photos on Plans A-4 and 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 (a declared monument) and the Jewish Cemetery);
- (b) to its east across Shan Kwong Road is the HKJC Happy Valley Clubhouse and its New Wing; 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

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

11. Public Comments Received During the Statutory Publication Period

On 30.1.2024, the application was published for public inspection. During the statutory public inspection period, three public comments on the application were received. Two individuals (**Appendix IVa**) support the private club use but raise concern on the future development at the Site that may attract additional traffic to Shan Kwong Road and worsen the traffic condition of the area. One individual (**Appendix IVb**) objects to the application mainly on the grounds that since the applicant had been permitted to build the New Wing, the Site should be returned to the government; and the Site should also be open to the general community.

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 which is zoned “R(C)1” . The building height and GFA of the facilities conform with the restrictions of the zone. 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, the applicant has carried out planning and preparatory work for redeveloping the Site into a residential-cum-sports complex. Relevant technical assessments in relation to the redevelopment of the Site have been/are being conducted and liaison with government departments are underway, and planning application would be submitted to the Board in 2025 for consideration according to the applicant. 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.
- 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. Government departments consulted have no objection to/adverse comment on the application.
- 12.3 The renewal application also complies with the relevant assessment criteria in TPB PG-No. 34D in that there has been no material change in the planning circumstances and the land uses of the surrounding areas since the granting of the last temporary approval on 16.4.2021; all the approval conditions under the last application have been complied with; and the approval period sought (i.e. 3 years) is same as the last application and is considered reasonable with regard to the applicant’s current redevelopment programme for the Site.
- 12.4 The Committee has approved eight previous applications on the Site, all for the same use on a temporary basis since 1988 as stated in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.
- 12.5 There are three public comments received, including one objecting comment as summarised in paragraph 11 above. The assessments in paragraph 12.1 to 12.4 above are relevant. As for the suggestion on opening up the Site to public, 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. Besides, whether to open up the Site which is under private ownership for public use is at the owner’s sole discretion. In response to the public comment, the applicant states that the New Wing is not meant to be a replacement of the Sports Complex and the lease of the Site is not a private recreational lease or for public recreation purposes.

13. Planning Department’s Views

- 13.1 Based on the assessments 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 1.5.2024 to 30.4.2027. The recommended advisory clauses are attached at **Appendix V**.

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 for renewal of the planning 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

Appendix I	Application form with site plans, floor plans, sections, elevations and supplementary justifications received on 23.1.2024
Appendix Ia	FI received on 28.2.2024
Appendix Ib	FI received on 6.3.2024
Appendix II	Previous Applications covering the Application Site
Appendix III	Government Departments' General Comments
Appendices IVa and IVb	Public Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Plan
Drawings A-2 to A-5	Floor Plans
Drawings A-6 to A-8	Sections and Elevations
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**