

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/409

- Applicant** : LO Jan Mung (羅燕夢) represented by Sun Cheong Management Consultant Limited (新昌管理顧問有限公司)
- Site** : Lot 1149(Part) in D.D.125, Yuen Long, New Territories
- Site Area** : About 840m²
- 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 a 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 for proposed temporary private club with ancillary office for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Private Club’ is a Column 2 use under “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by some temporary structures (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, there would be three temporary structures (1 to 2 storeys, not more than 7.5m high) with a floor area of about 416m² for multi-function room, conference room, exhibition room, store room, office and ancillary facilities including the fire safety system and electricity meter. Three parking spaces for private car would be provided (**Drawing A-1**). Grass area will be provided in the open area next to the internal access road. 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. Plans showing the site layout, drainage proposal and the vehicular access leading to the Site submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 According to the membership list of the “Association of New Territories Environment” (新界環境關注協會) (the Association) and scope of past activities/

functions organised by the Association/co-organised with other associations submitted by the applicant, 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. 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. The proposed development is intended to serve local villagers and provide local services through co-organising activities with Ha Tsuen Rural Committee and villages nearby to promote balanced development and conservation in the area.

- 1.4 The Site is involved in two previous planning applications (details at paragraph 5 below).
- 1.5 A comparison of the major development parameters of the last approved application and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/202) (a)	Current Application (A/HSK/409) (b)	Difference (b) – (a)
Applied Use	Proposed Temporary Private Club with Ancillary Office for a Period of 3 Years		No change
Site Area	About 840m ²		No change
Total Floor Area	About 380m ²	About 416m ²	+38m²
No. of Structures	2 (multi-function room, office and store room, conference room and exhibition room)	3 (multi-function room, office and store room, conference room, exhibition room and ancillary facilities)	Additional structure for ancillary facilities including the fire safety system and electricity meter
Building Height	Not more than 7.5m		No change
No. of Parking Spaces	4 for private cars	3 for private cars	-1
Operation Hours	from 8:00 a.m. to 11:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		No change

- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with fire service installations proposal (**Appendix I**) and drainage proposal received on 31.8.2022
 - (b) Supplementary Information (SI) received on 6.9.2022 and 7.9.2022 (**Appendices Ia & Ib**)
 - (c) Further Information (FI) received on 10.10.2022 (**Appendices Ic**)
[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 in

the Application Form and SI at **Appendix I and Ia**. They can be summarised as follows:

- (a) All approval conditions in relation to the previously approved application No. A/HSK/202 have been complied except the implementation of the fire service installations (FSIs) proposal. A Short Term Waiver has also been obtained from Lands Department (LandsD).
- (b) The epidemic has caused delay in the implementation of the FSIs proposal. The application for water supply is still being processed by Water Supplies Department. A FSIs proposal has been submitted to the Fire Services Department (FSD) before the submission of the current application.
- (c) The existing address of the Association in Lam Tei, Tuen Mun (about 30m²) is too small in area to accommodate more members and organise activities, and therefore expansion in a new premises is needed. The Site is conveniently located to serve members with more than half of them living in Ha Tsuen. 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 and students. In this regard, a new premises with considerable area is necessary to organise the future activities and larger event.
- (d) The club is intended mainly to serve the local villagers and not for commercial purpose. It will provide a better and efficient place for the members and villagers who are willing to contribute to the environment. By providing local services and through co-organising activities with Ha Tsuen Rural Committee and villages nearby, it may help to promote balanced development and conservation.
- (e) The applied use is of small scale and temporary in nature. 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 nor 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. 31A) by posting site notice and sending notice to the Ha Tsuen Rural Committee by registered post. 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 involved in two previous applications (No. A/HSK/158 and 202) for temporary private club with/without ancillary office. Application No. A/HSK/158 was rejected by the Rural and New Town Planning Committee (the Committee). The Committee noted in the meeting that there was no information included in the

application regarding the membership of the proposed operator and whether the proposed development would serve the local villagers. The application was rejected mainly on the grounds 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. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

- 5.2 To address the concern of the Committee on the previous application No. A/HSK/158, the applicant has provided the membership list of the Association of which most of the members are from nearby villages and local stakeholders. Information on the past activities/functions organised by the Association /co-organised with other associations was also provided in the last application No. A/HSK/202. The application was approved by the Committee on 3.1.2020 mainly on the considerations that approval of the application would not jeopardize the long-term development of the area; the proposed temporary use was not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval condition regarding the implementation of the FSIs proposal. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with a similar layout.

6. Similar Application

There is no similar application within the subject “V” zone on the OZP.

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

7.1 The Site is:

- (a) accessible from San Sik Road via a local track; and
- (b) currently occupied by some temporary structures.

7.2 The surrounding areas have the following characteristics:

- (a) to its north, south, east and northeast are the cluster of village houses of Tseung Kong Wai. To its further north are two open storage yards which are suspected unauthorized development (UDs);
- (b) to its south are a shop and services under valid planning permission, some vacant land, and two open storage yards, one of them under valid planning permission; and
- (c) to its west and southwest are some residential dwellings, a car park and an open storage yard (both under valid planning permissions) and some unused land. Further northwest are some open storage yards which are suspected UD.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages

and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses (SH) 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.

9. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II and III** respectively.

10. Public Comments Received During the Statutory Publication Period

On 9.9.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments from individuals were received (**Appendices V-1 to V-4**) objecting to the application on the grounds that the proposed use will cause environmental nuisance, adverse traffic impacts and adversely affect their safety and living quality; and there is suspected UD at the Site. An individual also raised queries on how the proposed development could promote environmental awareness and whether there is sufficient justification to support the current application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private club with ancillary office for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of SH by indigenous villagers. Although the proposed temporary private club is not entirely in line with the planning intention of the “V” zone, the proposed development could help serving the local villagers and promoting environmental awareness within the local community. Moreover, DLO/YL of LandsD advises that no SH application within the Site has been received. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses, which is predominantly occupied by village houses with open storage use scattered at the fringe of Tseung Kong Wai. (**Plan A-2**).
- 11.3 For the previous approved application No. A/HSK/202, the planning permission was subsequently revoked due to non-compliance with time-limited approval condition regarding the implementation of the FSIs proposal. The applicant has submitted a FSIs proposal in support of the current application and the submitted FSIs proposal is also considered acceptable by the Director of Fire Services. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should he/she fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.
- 11.4 There is no adverse comment from the concerned government departments, including Director of Environmental Protection, Chief Highway Engineering/New Territories West of Highways Department and Chief Engineer/Mainland North of

Drainage Services Department on the application. The proposed development would unlikely create significant adverse environmental, traffic and drainage impacts on the surrounding area. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 12.2 below.

- 11.5 Four public comments objecting to or raising queries on the application were received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department 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 **28.10.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 **28.4.2023**;
- (b) in relation to (a) above, the implementation of the revised 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 **28.7.2023**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 **28.7.2023**;
- (e) if the above planning condition (c) 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
- (f) if any of the above planning condition (a), (b) or (d) 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 proposed use is not in line with the planning intention of the “V” zone, which is primarily for development of Small Houses by indigenous villagers. There is no strong planning justification 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 Applicant.

14. Attachments

Appendix I	Application Form with Attachments received on 31.8.2022
Appendix Ia	SI received on 6.9.2022
Appendix Ib	SI received on 7.9.2022
Appendix Ic	FI received on 10.10.2022
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-4	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Drawing A-3	Vehicular Access Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2022**