

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/495

- Applicants** : Mr. TANG Shun Tin Andy, Mr. TANG Lok and China Elite Advertising Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 641 S.B ss.2 (Part), 641 S.B ss.3 (Part), 641 S.B ss.4 (Part) and 641 S.B RP (Part) in D.D. 125, San Wai, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,400 m²
- 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 for a Period of 5 Years

1. The Proposal

- 1.1 The applicants seek planning permission to use the application site (the Site) for proposed temporary private club for a period of five years (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Private Club’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant.
- 1.2 The Site is accessible from San Sik Road via a local track, and the ingress/egress point is located at the southern part of the Site (**Plans A-2 and A-3**). According to the applicants, six one-storey temporary structures (not more than 3.5m) with a total floor area of 1,016m² are proposed for covered car park, golf room, gym and KTV room, TV and car simulator room, party room, guard room and open shed/rain shelter uses. The two New Territories Exempted Houses (NTEHs) for domestic use encircled by the Site are not included in the current application (**Drawing A-2**). According to the applicants, there would be no door connecting the proposed private club and the two NTEHs. A signage above the roof of one of the temporary structures with a total height not more than 5.4m is also proposed. A total of 15 car parking spaces for private cars (each of 5m x 2.5m) will also be

provided. The proposed operation hours are from 9:00 a.m. to 9:00 p.m. from Mondays to Sundays including public holidays. Plans showing the access leading to the Site, proposed site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 The major development parameters of the application are summarised as follows:

Major Development Parameters	Current Application (A/HSK/495)
Applied Use	Proposed Temporary Private Club for a Period of 5 Years
Site Area	About 2,400m ²
Total Floor Area	About 1,016m ²
No. of Structures	6 (covered car park, golf room, gym and KTV room, TV and car simulator room, party room, guard room and open shed/rain shelter)
Building Height	Not more than 3.5m high (5.4m including signage) (1 storey)
No. of Car Parking Spaces	15 for private cars (each of 5m x 2.5m)
Operation Hours	from 9:00 a.m. to 9:00 p.m. from Mondays to Sundays, including public holidays

1.4 In support of the application, the applicants have submitted the Application Form with attachments on 26.10.2023 at **Appendix I**.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) The proposed development is a private club which will be operated by one of the applicants (i.e. China Elite Advertising Limited). It aims to provide social activities to their clients and the local villagers in San Wai.
- (b) A similar application for private club (i.e. A/HSK/409) has been approved by the Board in the same “V” zone. The proposed development is not incompatible with the surrounding areas.
- (c) The impacts in terms of traffic, drainage and environment are expected to be insignificant.

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

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

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

- 5.1 The Site together with the ground floor of the two NTEHs adjoining the Site is involved in a previous application (No. A/HSK/332) for proposed temporary shop and services (convenient store) and eating place which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 29.10.2021. The considerations of this previous application are not relevant to the current application which is for a different use. The planning permission was subsequently revoked due to non-compliance with time-limited approval conditions regarding the submission and implementation of fire service installations (FSIs) proposal. Details of this application are summarised at **Appendix II** and its location is shown on **Plan A-1**.
- 5.2 Compared with the last application No. A/HSK/332, the current application is submitted by the same applicant with two additional applicants for a different use with a similar layout at a smaller site (i.e. excluding the G/F of the two NTEHs).

6. Similar Applications

- 6.1 There are three similar applications within the same “V” zone for proposed temporary private club with/without ancillary office use at the same site in the past five years. One of them was rejected and two were approved. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Application A/HSK/158 for proposed temporary private club was rejected by the Committee in 2019 mainly on the ground that the development was not in line with the planning intention of the “V” zone.
- 6.3 Applications No. A/HSK/202 and 409 for proposed temporary private club with ancillary office were approved by the Committee in 2020 and 2022 respectively mainly on considerations that the proposed private club was small in scale¹ and proposed to be operated by an association² aiming to serve the local villagers and provide conservation in the area.

¹ The proposed private club under both applications No. A/HSK/202 and 409 had a site area of about 840m² and a total floor area of only about 380m² and 416m² respectively.

² The association was registered under the Societies Ordinance with members from Heung Yee Kuk, Ha Tsuen Rural Committee and village representatives of nearby villages operating on a non-profit making basis in promoting green living, reducing pollution and greening the community.

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

7.1 The Site:

- (a) is accessible from San Sik Road via a local track; and
- (b) currently vacant.

7.2 The surrounding areas are predominantly occupied by residential dwellings intermixed with some open storage yards, warehouses, workshop, parking of vehicles and unused land. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

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 (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. 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has adverse comments on the application;
- (b) according to his record, there are two SH applications approved in Lots 641 S.B ss.3 and 641 S.B ss.4 in D.D. 125 with Building Licenses No. BL10637 and BL10638 granted. According to the conditions of the Building Licenses, except for the building site, the remainder of the lots shall not be built upon and shall continue to be used for agricultural or garden purposes;
- (c) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing; and

(d) his advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 3.11.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix V**) expressing concerns that the approval conditions under the previous application have not yet been complied with and the proposed use will cause noise nuisance.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary private club for a period of five years at the Site zoned “V” on the OZP (**Plan A-1**). The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. According to the applicants, the proposed private club is to provide social activities to the local villagers and the clients of one of the applicants. The proposed development is not in line with the planning intention of the “V” zone. Besides, no information has been given in the submission to demonstrate the need for the proposed private club and to indicate how the private club would be operated and could benefit/serve the local villagers. As such, no strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- 11.2 The Site is located in an area between San Wai and Tseung Kong Wai which is predominantly occupied by village houses intermixed with some open storage yards, warehouses and workshop. The proposed development, which occupies a site area of about 2,400m² with six one-storey temporary structures with a total floor area of 1,016m² and 15 parking spaces for private cars, is considered not compatible with the village setting in the locality. Moreover, there is no information on how the interface of the proposed development with the two NTEHs encircled by the Site is to be addressed including the access arrangement.
- 11.3 DLO/YL, LandsD has adverse comment on the application mainly on consideration that except for the building sites at Lots 641 S.B ss.3 and 641 S.B ss.4 in D.D. 125, the remainder of the lots shall not built upon and shall continue to be used for agricultural or garden purposes. Other relevant government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application.
- 11.4 There are three similar applications for temporary private club use at the same site within the subject “V” zone between 2019 and 2022. One of them was rejected in 2019 while two were approved by the Committee in 2020 and 2022 respectively on the considerations mentioned in paragraph 6.3 above. As for the current application, the scale of the proposed development is considered excessive in a village setting and no information has been provided as to the need and operation of the proposed private club. In this regard, considerations of the two approved similar applications, which the proposed private club was small in scale and operated by an association aiming to serve the local villagers, are not relevant to this application. Rejecting the application is not in conflict with the previous decisions of the Committee.

- 11.5 Regarding the public comment expressing concerns on the application received during the statutory publication period as summarised in paragraph 10 above, the planning permission of previous application No. A/HSK/332 was revoked due to non-compliance with time-limited approval conditions. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are also relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, and having taken into account the public comment mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

the proposed use is not in line with the planning intention of the “V” zone, which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

- 12.2 Alternatively, 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 five years until **22.12.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 9:00 p.m. to 9:00 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **22.3.2024**;
- (d) 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 **22.6.2024**;
- (e) in relation to (d) 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 **22.9.2024**;
- (f) if any of the above planning condition (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (c), (d) or (e) 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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form with attachments received on 26.10.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendices IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**