

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/63

<u>Applicant</u>	: Chill Station represented by Man Chi Consultants and Construction Limited
<u>Site</u>	: Lots 1309 S.B ss.3 and 1313 RP in D.D. 78 and Adjoining Government Land (GL), Ta Kwu Ling North, New Territories
<u>Site Area</u>	: About 451.5m ² (includes GL of about 103.9m ² or about 23%)
<u>Lease</u>	: Block Government Lease (demised for agricultural use) (about 347.6m ² or about 77%)
<u>Plan</u>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Proposed Temporary Private Club for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary private club for a period of five 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 the “REC” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and occupied by some temporary structures (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development comprises two portions (**Drawing A-1**). The southern portion of about 170m² is entirely covered under a canopy of about 5.2m high, with a single-storey ancillary pantry of about 33m² provided underneath. The northern portion of about 281.5m² is an uncovered area that provides 20 motorcycles parking spaces, one loading/unloading bay/lay-by for light goods vehicles, and two single-storey structures for ancillary toilet (about 23.8m²) and a motorcycle clinic¹ (about 14.4m²). The operation hours

¹ According to the applicant (**Appendices Ia and Ib**), the motorcycle clinic is proposed to serve as an area for providing consultation services to club members regarding motorcycle fitting, maintenance, and repair enquiries, while facilitating cultural and knowledge exchange among motorcyclists. No servicing, repairing, washing, or greasing of motor vehicles, motorcycles, or their parts, will be involved.

are from 7:00a.m. to 9:00p.m. Wednesdays to Sundays (including public holidays), and there will be no operation on Mondays and Tuesdays.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on **(Appendix I)**
11.7.2023
- (b) Supplementary Planning Report (SPR) received on **(Appendix Ia)**
11.7.2023
- (c) Further Information (FI) received on 16.8.2023 [^] **(Appendix Ib)**
- (d) FI received on 23.8.2023 [^] **(Appendix Ic)**
- (e) FI received on 11.10.2023 [^] **(Appendix Id)**
- (f) FI received on 16.11.2023 [^] **(Appendix Ie)**
- (g) FI received on 22.1.2024 [^] **(Appendix If)**
[^] accepted and exempted from publication and recounting requirements

1.4 On 11.9.2023 and 8.12.2023, the Committee agreed to the applicant's requests to defer making a decision on the application for two months to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices Ia** and **Ib** as summarized below:

- (a) the proposed private club aims to promote motorcycling and to serve club members through organizing regular club events. The private club will operate exclusively for members, and membership is by invitation only. As the proposed private club is not registered under the Societies Ordinance (Cap. 151), no membership fee is required. The proposed motorcycle parking spaces will be allocated to members on a first-come-first serve basis through a booking system;
- (b) the Site is located in the vicinity of Liantang/ Heung Yuen Wai Boundary Control Point (LT/HYW BCP), the proposed use could ride on the enhanced connectivity, accessibility and mobility brought about by the BCP;
- (c) the proposed development aims to create a platform for fostering cultural and knowledge exchange among motorcyclists. It also seeks to strengthen the motorcyclist community and promote a sports-culture atmosphere within the community;
- (d) the development is in line with the planning intention of the "REC" zone which is intended primarily for low-density recreational developments for use of the general public;
- (e) the development is low-density and considered compatible with the semi-rural surroundings, which mainly comprise utility stations, temporary structures, and agricultural land;

- (f) with limited trip generations, the development is expected to have minimal traffic impact; and
- (g) the applicant is willing to implement necessary drainage and sewerage proposals, and the proposed development will not induce adverse drainage, sewerage and landscape impacts on the surroundings.

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 obtaining consent of the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion within the Site, TPB-PG No. 31A is not applicable.

4. Background

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

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

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

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

7.1 The Site is:

- (a) hard-paved and fenced off;
- (b) occupied by some temporary structures; and
- (c) accessible from Lin Ma Hang Road via a local road.

7.2 The surrounding areas are of rural inland plains landscape character comprising tree clusters, farmlands, vegetated areas, Heung Yuen Wai Highway to the east, and Small Houses and temporary structures to the south.

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2, other 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 at **Appendices II** and **III** respectively.
- 9.2 The following government departments have comments on the application/conveyed local views on the application.

Land Administration

- 9.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (a) the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
 - (b) there are unauthorized structures erected on the private lots which are already subject to lease enforcement action according to the case priority. The lot owner should immediately rectify the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without separate notice; and
 - (c) if the planning application is approved, the lot owner shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structures erected within the said private lots and the proposed occupation of the government land. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

District Officer's Comments

9.2.2 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) that:

- (a) the Chairman of Fung Shui Area Committee, the incumbent North District Councilor of N16 Constituency, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Chuk Yuen, the IIR of Kan Tau Wai, the IIR and the RR of Tsung Yuen Ha have no comment; and
- (b) Ta Kwu Ling District Rural Committee and the RR of Kan Tau Wai did not reply.

10. Public Comments Received During the Statutory Publication Period

On 15.8.2022, the application was published for public inspection. During the statutory public inspection period, a total of six public comment was received. A North District Council member indicates no comment on the application and three individuals support the application on the grounds that the proposed development would provide a venue for motorists to socialize and promote motorcycling culture. Two individuals indicate no objection to the application in view of its temporary nature (**Appendix IV**).

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary private club for a period of five years at the Site zoned “REC” on the OZP. The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. Given that the proposed temporary development is small in scale and the proposed temporary private club is considered not in conflict with the planning intention of the “REC” zone, approval of the application on a temporary basis of five years would not jeopardize the long-term planning intention of the “REC” zone.
- 11.2 The Site is hard-paved and occupied by temporary structures (**Plan A-2**). The surrounding areas are of rural inland plains landscape character comprising tree clusters, farmlands, vegetated areas, Heung Yuen Wai Highway to the east, and Small Houses and temporary structures to the south. As significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated, Chief Town Planner/ Urban Design and Landscape of Planning Department has no objection to the application from the landscape planning perspective.
- 11.3 According to the applicant, the proposed motorcycle parking spaces will be allocated to its members on a first-come-first serve basis through a booking system. Commissioner for Transport has no in-principle objection to the application from traffic engineering point of view. Other relevant government departments consulted, including Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, and Director of Fire Services, have no objection or no adverse comment on the application.

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 five years until **1.3.2029**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a 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 **1.9.2024**;
- (b) in relation to (a) above, the implementation of the 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 **1.12.2024**;
- (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 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 **1.9.2024**;
- (e) in relation to (d) above, 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 **1.12.2024**;
- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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.

Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 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 "REC" zone, which is for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and

tourism/eco-tourism. 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 11.7.2023
Appendix Ia	SPR received on 11.7.2023
Appendix Ib	FI received on 16.8.2023
Appendix Ic	FI received on 23.8.2023
Appendix Id	FI received on 11.10.2023
Appendix Ie	FI received on 16.11.2023
Appendix If	FI received on 22.1.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**