

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

APPLICATION NO. A/SK-CWBS/47

Applicant : Charter Atlantic Limited represented by Centaline Surveyors Limited

Site : Lots 114, 115, 117, 118 and 119 in D.D. 235, Sheung Sze Wan, Clear Water Bay, Sai Kung, New Territories

Site Area : About 485.6m²

Lease : Old Schedule Agricultural Lots held under Block Government Lease

Plan : Approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2

Zoning : “Village Type Development” (“V”)

Application : Renewal of Planning Approval for Temporary Private Swimming Pools for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for private swimming pools for a period of three years. The Site falls within an area zoned “V” on the approved Clear Water Bay Peninsula South OZP No. S/SK-CWBS/2 (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the applied use involves three existing private swimming pools (with a total area of about 135.7m²) with three associated circulation pumps (of about 10.25m²) within the Site. Details of the existing swimming pools area are as follows:

Adjoining House No.	205	206	207
Swimming Pool Area (m ²)	41.2	46.2	48.3
Area of Circulation Pump associated with each Swimming Pool (m ²)	4	4	2.25

Corresponding Lots for the Swimming Pools	Lots 114 & 119 in D.D. 235	Lots 114 & 118 in D.D. 235	Lots 115 & 117 in D.D. 235
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1.3 The Site is the subject of five previous applications approved with or without conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2010 and 2021. The previous approved applications were submitted by the same applicant with same applied use, site area and layout. Details of the previous applications are in paragraph 5 below and at **Appendix III**.

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

- (a) Application Form with attachments received on 12.1.2024 (**Appendix I**)
- (b) Further Information (FI) received on 9.2.2024* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

1.5 The location plan, lot index plan and layout plan showing the swimming pools submitted by the applicant are at **Drawings A-1 to A-3**.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form at **Appendix I** and FI at **Appendix Ia** which are summarised as follows:

- (i) the private swimming pools are designed for the exclusive use of the residents of Houses No. 205, 206 and 207 in Sheung Sze Wan;
- (ii) the impact on local traffic and environment would be negligible as the scale of the swimming pools is small, and public swimming pool facility is not sufficient in the Clear Water Bay Peninsula area; and
- (iii) there is no change in the proposed use and layout as compared with the previous application.

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**

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) is relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. **Previous Applications**

- 5.1 The Site is the subject of five previous applications (No. A/SK-CWBS/11, 12, 19, 27 and 37), all submitted by the same current applicant and for the same temporary use (i.e. temporary private swimming pools for a period of three years). The five applications were approved with or without conditions by the Committee between 2010 and 2021 mainly on the considerations that the long-term planning intention of the “V” zone would not be jeopardised and no significant adverse impacts were anticipated. The last application No. A/SK-CWBS/37 was approved by the Committee on 26.3.2021 and is valid until 30.3.2024.
- 5.2 While the planning permission under the first application (No. A/SK-CWBS/11) was revoked in 2012 due to non-compliance with approval conditions pertaining to the implementation of the mitigation measures identified in the Geotechnical Planning Review Report and landscaping proposal, the subsequent application (No. A/SK-CWBS/12) was approved with conditions by the Committee of the Board in 2012 and all time-limited approval conditions had been complied with. As all time-limited approval conditions as stipulated in application No. A/SK-CWBS/12 had been fully complied with, no approval condition was imposed for all subsequent planning approvals under applications No. A/SK-CWBS/19, 27 and 37. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

6. **Similar Application**

There is no similar application within the same “V” zone of the OZP.

7. **The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos in Plans A-4a and A-4b)**

- 7.1 The Site is located within the village ‘environs’ of Sheung Sze Wan and currently used as swimming pools serving the adjoining village houses (i.e. House No 205, 206 and 207). It is accessible from Clear Water Bay Road via Sheung Sze Wan Road and Hiu Po Path.
- 7.2 The surrounding areas are predominantly rural in character comprising mainly village houses fronting the sea area of Sheung Sze Wan and “Coastal Protection Area” zone along coastlines to its further east and north.

8. **Planning Intention**

The planning intention of “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 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **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 IV** and **V** respectively.

10. **Public Comment Received During Statutory Publication Period**

On 19.1.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

11. **Planning Considerations and Assessments**

11.1 The application is for renewal of planning approval for temporary private swimming pools for a period of three years at the Site, which falls within an area zoned “V” on the OZP. The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Although the proposed temporary use is not entirely in line with the planning intention of “V” zone, , there is no Small House application at the Site according to the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD). Based on the Planning Department’s latest estimate with reference to LandsD’s information on small house demand¹, land is still available to meet the outstanding Small House applications being processed by LandsD in Sheung Sze Wan. Approval of the current application on temporary basis for a period of three years will not affect the provision of land for Small House development in Sheung Sze Wan in long term.

11.2 The existing private swimming pools under application are considered not incompatible with the surrounding land uses which are predominantly occupied by village houses. All government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department, Chief Engineer/Construction, Water Supplies Department and the Director of Fire Services have no objection to or no adverse comments on the application. Given the small scale of the development, adverse traffic, environmental, drainage, water supply and fire safety impacts arising from the applied use are not anticipated.

11.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application; no adverse planning implication arising from the renewal application is anticipated; and the three years approval period sought, which is same as the previous planning applications is reasonable.

11.4 The Site is the subject of five previous approved applications for the same temporary use submitted by the same applicant and is currently used as private swimming pools

¹ According to DLO/SK, LandsD, the outstanding Small House applications in Sheung Sze Wan are 35 while the 10-year Small House demand forecast provided by the Indigenous Inhabitant Representative of Sheung Sze Wan Village in 2019 to LandsD is 92. Based on the latest estimate by Planning Department, about 2.1 ha of land area is available within the “V” zone of Sheung Sze Wan equivalent to 84 Small House sites.

with valid planning permission. Approval of the application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the renewal of planning approval for temporary private swimming pools could be tolerated for a period of three years.
- 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, and be renewed from 31.3.2024 until 30.3.2027. The Recommended Advisory Clauses are attached at **Appendix V**.
- 12.3 There is no strong reason to recommend rejection of the application.

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 12.1.2024
Appendix Ia	Further Information received on 9.2.2024
Appendix II	Relevant extract of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Location Plan submitted by the applicant
Drawing A-2	Lot Index Plan submitted by the applicant
Drawing A-3	Layout Plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**