

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HH/79

Applicant: The Hebe Haven Yacht Club represented by Knight Frank Petty Limited

Site: Lot No. 1208 (Part) in D.D. 217, Pak Sha Wan, Sai Kung

Site Area: 436.5m² (about)

Lease: Private Recreational Lease under Conditions of Lease Extension and registered as New Grant No. 22356 dated 9.8.2016

Plan: Approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/8

Zoning: “Recreation” (“REC”)

Application: Proposed Marina (Clubhouse)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed marina (clubhouse) at the application site (the Site). The Site falls within an area zoned “REC” on the approved Hebe Haven OZP No. S/SK-HH/8 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Marina’ within “REC” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site, which falls within the existing Hebe Haven Yacht Club (the Yacht Club), is currently occupied by a temporary marquee at the southern portion and a hard paved open carpark at the northern portion. The temporary marquee is currently used for hosting events such as yacht training and relevant social and recreational activities. The applicant proposes to replace the temporary marquee with a permanent structure, which will serve as the core of the Yacht Club’s sail training programme. The covered area will be used daily to hold training sessions as well as post-sailing gatherings, while the deck area will be used for competition briefings and prize giving ceremonies after competitions.
- 1.3 The proposed development comprises a 2-storey semi-open structure (about 6.52m or 8.502mPD in height) with gross floor area of about 790.5m². It will be connected to the existing main building of the Yacht Club to its west as an extension of the existing clubhouse. Since the proposed development is

semi-open, visitors can enter the development through various entrance **(Drawings A-1 to A-3)**.

1.4 The proposed development is accessible via the current vehicular run-in/out of the Yacht Club located to its northwest and connected to Hiram's Highway.

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

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| (a) Application Form with plan dated 17.6.2021 | (Appendix I) |
| (b) Supporting Planning Statement | (Appendix Ia) |
| (c) Further Information (FI) dated 30.7.2021 (accepted and exempted from publication requirement) | (Appendix Ib) |
| (d) FI dated 4.8.2021 (accepted and exempted from publication requirement) | (Appendix Ic) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Section 5 of the Supporting Planning Statement **(Appendix Ia)**. They can be summarized as follows:

- (a) the planning intention of the "REC" zone is for recreational developments for the use of the general public. The proposed development which aims to replace the existing temporary marquee with a permanent structure to support the Yacht Club's sail training programme is in line with the planning intention of "REC" zone;
- (b) the proposed development is compatible with the surrounding environment which is mainly occupied by shop and services uses, marina-related and water recreation facilities. With a building height of 6.52m and semi-open design, the proposed development will blend in well with the low-rise character of the surrounding area;
- (c) the use of the proposed development will remain the same as the existing temporary marquee. It will not induce additional traffic nor visitors. Upon completion of the proposed development, the number of visitors to the Yacht Club will be comparable to the current situation. There will be no adverse impact with respect to traffic, environment, drainage, sewerage, visual, landscape, water and waste generated from the proposed development;
- (d) the Yacht Club has been striving to meet the growing demand for local, regional and international sailing events. The space within the main building has already reached its capacity while providing space for essential office and administrative space. The proposed development will provide more floor space and upgraded facilities for organizing various yacht racing and training courses which helps to promote participation of watersports. This is in line with the Policy Address 2017 and advocacy by the Government in respect of promoting sporting culture and upgrading sports facilities; and

- (e) the applicant is committed to take up its social responsibility to proactively promote sailing in Hong Kong.

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. Background

The Hebe Haven Yacht Club has been existed before the gazetting of the Hebe Haven Interim Development Permission Area Plan on 12.10.1990 and is regarded as an “existing use”. According to the Notes of the OZP, any material change of such use or any other development must be always permitted in terms of the OZP or in accordance with a permission granted by the Board. As ‘Marina’ within “REC” zone requires planning permission, any relevant development proposal including intensification of the Yacht Club development requires permission from the Board.

5. Previous Application (Plan A-2)

The Hebe Haven Yacht Club is subject to the following previous applications:-

- (a) proposed alteration and extension of existing Hebe Haven Yacht Club (which covers the Site) for boat hardstandings and ancillary marine facilities approved with conditions by the Committee on 20.10.1995 (Application No. A/SK-HH/2);
- (b) proposed transformer substation for Hebe Haven Yacht Club approved with conditions by the Committee on 25.7.2003 (Application No. A/SK-HH/31);
- (c) proposed transformer substation for Hebe Haven Yacht Club approved with conditions by the Committee on 9.1.2004 (Application No. A/SK-HH/34);
- (d) proposed utility installation for private project (electricity transformer substation and switch room) approved with conditions by the Committee on 25.7.2014 (Application No. A/SK-HH/61); and
- (e) proposed marina (storage rack for boats/dinghies) approved with conditions by the Committee on 12.12.2014 (Application No. A/SK-HH/63).

6. Similar Application

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

7. The Site and its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and photos on Plans A-4a to A-4b)

7.1 The Site is:

- (a) a piece of flat land within the boundary of the Yacht Club;
- (b) currently occupied by part of the temporary marquee (about 215m²) at the southern portion and part of the open carpark at the northern portion; and
- (c) accessible from Hiram's Highway via the Yacht Club's access which is about 70m to its north-west.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate west is the existing main building of the Yacht Club;
- (b) to its immediate north is the open carpark as well as hardstands and boat racks of the Yacht Club; to its immediate east and south are mainly berthing spaces for yachts/dinghies;
- (c) to its further west across Hiram's Highway are village houses of Kau Sai San Tsuen; and
- (d) to its further north is Hong Kong Scout Association Pak Sha Wan Tam Wah Ching Sea Activity Centre; and to its further south are some retail shops, eating places and a hotel in the "Commercial" zone, as well as a few shipyards.

8. Planning Intention

The planning intention of "REC" zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer / Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) the Site falls within Lot No. 1208 in D.D. 217 ("the lot") with an area of about 19,796m². It is a private recreational lease granted to the Hebe Haven Yacht Club Limited ("the Grantee") under

Conditions of Lease Extension and registered as New Grant No. 22356 dated 9.8.2016 (the “Conditions”);

- (b) the Conditions contain, inter alia, the following salient conditions:-
 - (i) the lot shall not be used for any purpose other than for a yacht club and such reasonable social functions and other recreational activities as are ancillary to such use or usually associated therewith and shall not use or permit the use of the lot and any building thereon by any persons other than members of the Grantee or their guests, guests of the Grantee, and members of sports teams competing with the Grantee;
 - (ii) the Grantee shall not erect upon the lot any building or structure other than buildings or structures in accordance with the Approved Building Plans as specified under the Conditions;
 - (iii) the total site coverage of any building or buildings erected or to be erected on the lot shall not exceed 528.6m²;
 - (iv) no part of any building or other structure erected or to be erected on the lot shall exceed a height of 7.62m above the mean formation level of the land upon which such building or structure stands;
 - (v) except for boundary walls or fences, sea-wall and existing buildings or structures approved by the Building Authority specified under the Conditions, no building or structure or support for any building or structure shall be erected on the non-building areas as stipulated under the Conditions;
 - (vi) no structure or support for any structure except the existing boundary walls, fences and seawall shall be erected within the Drainage Reserve Area under the Conditions;
- (c) the proposed clubhouse under the subject application is an additional building not covered by any approved Building Plans under the Conditions. The proposed development will also exceed the total site coverage limit;
- (d) it appears from the “Architectural Drawings of the Proposed Redevelopment” at Appendix II to the supporting planning statement (**Appendix Ia**) that the proposed clubhouse will not encroach upon the non-building areas and the Drainage Reserve Area under the Conditions. The applicant is reminded to avoid any encroachment onto the said areas;
- (e) under para 4.1 of the planning statement (**Appendix Ia**), the clubhouse is proposed be used for members of the public in

addition to the members of the Grantee. This will be in breach of the Conditions; and

- (f) if the subject application is approved by the Board, the applicant will need to obtain the policy support of Home Affairs Bureau (HAB) for the proposal and apply to his office for a lease modification to effect the proposal. However, there is no guarantee that such application will be eventually approved by the Government. Such application, if eventually approved, would be subject to such terms and conditions as the Government considers appropriate.

Policy Support

9.1.2 Comments of the Commissioner for Sports, HAB:

- (a) according to development proposal, the Site under application would be developed into a 2-storey semi-open structure which would serve as a sailing training centre and regatta deck. Based on this understanding, he has no objection to the planning application from the sports angle; and
- (b) nonetheless, since the proposal would involve addition and alteration (A&A) works on the premises, his office will further examine and provide comment on the A&A works upon receiving relevant submissions.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

it is noted that part of the Site is currently used as carpark of the Yacht Club. According to the layout plan submitted by the applicant (**Drawing A-3**), 42 parking spaces will be provided upon completion of the proposed development, which is similar to the current arrangement. She has no comment on the application.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the works and the nature of the proposed use, the proposed development will unlikely cause adverse environmental impact. Therefore, he has no objection to the application; and
- (b) there was no environmental complaint record at the Site in the past 3 years. Having said that, the applicant is required to comply with the requirements under all relevant pollution control ordinances, including Water Pollution Control Ordinance, Air Pollution Control Ordinance and Noise Control Ordinance.

Urban Design and Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L):

Urban Design and Visual

- (a) the Site of about 436.5m² is currently partly occupied by a temporary 1-storey marquee and an open carpark within the boundary of the Hebe Haven Yacht Club. To the immediate south and east are mainly berthing places for yachts and dinghies. To the north is the car parking area of the Yacht Club and further north is the 2-storey Hong Kong Scout Association Pak Sha Wan Tam Wah Ching Sea Activity Centre. To the west is the Hiram's Highway with a cluster of 2- to 3-storey village houses on the further west across the highway. The surrounding area is predominated by a rural residential and recreational landscape character with 1 to 3 storeys;
- (b) the proposed development consists of a 2-storey (about 6.52m) permanent structure with a non-domestic gross floor area of about 790.5m² that will serve as an extension of the clubhouse. Given the site context and the low-rise nature of the proposed development, it is considered not incompatible with the surrounding environment;
- (c) based on the response-to-comment table (**Appendix Ib**), it is noted that the G/F of the proposed development will be installed with foldable glass wall along the exterior and will have similar façade finishes compared with the existing main building. The applicant should be advised to adopt design measures, including but not limited to façade treatment and peripheral planting, to mitigate the potential visual impact from the proposed development, and enhance its compatibility with the surrounding environment;

Landscape

- (d) according to the aerial photo of 2020 and the site photos taken on 25.6.2021 and 12.7.2021, the southern site portion is covered by a temporary marquee and the northern portion is a hard paved open carpark. Existing amenity trees of common species, including *Livistona chinensis* (蒲葵), are planted immediate to the north and east of the temporary marquee. The Site falls within an area of miscellaneous rural fringe and recreational landscape character surrounded by yacht clubhouse and the associated facilities such as berthing spaces for yachts and open carparks, while tree groups, Hiram's Highway and village houses are located to the further west of the Site. Given the proposed development is a 2-storey (about 6.52m) structure, which is similar to the scale of the

surrounding buildings and it will replace the existing temporary marquee to serve as an extension of the existing clubhouse main building, the proposed development is considered not incompatible with the surrounding landscape character;

- (e) according to the further information provided by the applicant (**Appendix Ib**), all 8 existing trees, including *Livistona chinensis* (蒲葵) and *Musaceae* (芭蕉科) with diameter of 100-300mm, within the Site will be affected by the proposed development. In view that these affected trees are common species and are proposed be transplanted to a nearby new planter outside the Site, significant adverse impact on landscape resources is not anticipated. In this regard, she has no objection to the application from landscape impact perspective; and
- (f) the applicant should note that approval of the section 16 application by the TPB does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/ government department(s) direct to obtain necessary approval on tree works.

Water Supply

9.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application; and
- (b) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) the existing ground of the proposed development/ redevelopment is subject to the risk of flooding due to storm surge (according to the latest version of DSD's Stormwater Drainage Manual). The applicant should be made aware of such and is therefore recommended to submit a drainage assessment to reveal the flood risk of the Site and adjacent areas and formulate flood protection measures as necessary; and
- (b) the Site is currently not covered by DSD public sewerage

networks. The requirements related to sewage treatment/disposal are subject to the views of EPD.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/ Hong Kong West, Buildings Department (CBS/HKW, BD):

no in-principle objection under the Building Ordinance (BO). Detailed comments are in **Appendix III**.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to proposed development subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority if licence is required for the proposed extension of clubhouse; and
- (c) the emergency vehicular access provision in Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

Risk Aspect

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) there is a high pressure underground town gas transmission pipeline (running along Hiram's Highway) in the close vicinity of the application site. According to the supporting planning statement from the applicant, the use of the proposed development will remain the same as the temporary marquee and thus an increase in working population arising from the proposed development is not anticipated. As such, a quantitative risk assessment (QRA) in assessing the potential risks associated with the high pressure town gas pipeline adjacent to the proposed redevelopment is not a compulsory requirement; and
- (b) nevertheless, the applicant/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing and planned gas pipes/gas installations in the vicinity of the application site and any required minimum set back distance away from them during the design

and construction stages of development. The project proponent / consultant / works contractor are also required to observe the requirements of the Electrical and Mechanical Services Department's Code of Practice on "Avoidance of Damage to Gas Pipes" 2nd Edition for reference. The Code can be downloaded via the following web-link: [https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf)

9.2 The following government departments have no objection to/no comment on the application:

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) District Officer (Sai Kung), Home Affairs Department;
- (c) Director of Marine; and
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

On 25.6.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, eight public comments were received (**Appendix II**). Among which, six public comments from the indigenous inhabitant representative of Kau Sai San Tsuen and five individuals object to the application on the grounds that the proposed development will worsen traffic congestion and illegal parking problem in the area due to admission of more members; there will be environmental impacts on water quality, noise, air, and marine ecology arising from the construction of the proposed development; the use of microphone and music noise during events held at the Yacht Club will cause noise nuisance to the residents nearby; and the Yacht Club is given concession on land premium by the Government but has not opened up its facilities for use by the general public. Two individuals provide comments that consideration should be given to resume part of the Yacht Club and shift the development towards the seaside to facilitate the improvement works of Hiram's Highway, and it should be ascertained that the Yacht Club is fulfilling its obligations under the Private Recreational Lease before granting approval of the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed marina (clubhouse) at the Site which falls within "REC" zone on the OZP. The planning intention of "REC" zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission. The Site and the proposed development falls within the existing Yacht Club. As an ancillary facility which will mainly be used for holding sail training programme and relevant events of the Yacht Club, the proposed 2-storey structure to replace the existing temporary marquee is considered not incompatible with the planning intention of "REC" zone.

- 11.2 The proposed development consists of a 2-storey (about 6.52m) permanent semi-open structure with a non-domestic gross floor area of about 790.5m². According to the applicant, the space within the main building of the Yacht Club has already reached its capacity while providing space for essential office and administrative space. To meet the growing demand for sailing events, the proposed development is much needed to provide more floor space and upgraded facilities to support the operation of the Yacht Club. The Commissioner of Sports has no objection to the subject application.
- 11.3 The Site is immediately surrounded by the existing main building (2 storey) of the Yacht Club and associated facilities such as boat racks and berthing spaces for yachts/dinghies (**Plan A-4a**). Further to the west of the Site across Hiram's Highway are village houses of Kau Sai San Tsuen, and further to the north and south are some marine-related and water recreation facilities. Given the site context and the low-rise nature of the proposed development, CTP/UD&L, PlanD considers that the proposed development is not incompatible with the surrounding environment and landscape character of the area.
- 11.4 On technical aspect, CE/MS, DSD raises concern that the existing ground of the proposed development is subject to the risk of flooding due to storm surge, and recommends the applicant to submit a drainage assessment to reveal the flood risk of the Site and adjacent areas and formulate flood protection measures as necessary. In this connection, relevant approval condition to require the applicant to submit a drainage assessment for the proposed development is suggested in paragraph 12.2 below, should the application be approved by the Committee.
- 11.5 Other relevant government departments consulted, including C for T, DEP, CE/C of WSD, DEMS, and D of FS have no adverse comment on or no objection to the application.
- 11.6 Regarding the public comments objecting to the application, the assessments in paragraphs 11.1 to 11.5 above are relevant. As regard to the comment that the Yacht Club should be ascertained to be fulfilling its obligations under the Private Recreational Lease before granting approval of the application, the monitoring and enforcement of lease condition are undertaken by relevant authority. As regard to the comment on resuming part of the Yacht Club to facilitate the improvement works of Hiram's Highway, the proposed improvement works of Hiram's Highway will not affect the area of the Site.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decided to approve the application, it is suggested that the permission shall be valid until 13.8.2025, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of

approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a Drainage Assessment and the implementation of flood protection measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

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 conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form dated 17.6.2021
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI dated 30.7.2021 providing responses to departmental comments
Appendix Ic	FI dated 4.8.2021 providing responses to departmental comments
Appendix II	Public comments received during the statutory publication period
Appendix III	Detailed comments of the CBS/HKW, BD
Appendix IV	Advisory clauses
Drawing A-1	Floor Plans and Section Plans submitted by the applicant
Drawing A-2	Sketch 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 and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2021**