

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/SK-HH/80**

- Applicant** : Royal Hong Kong Yacht Club (RHKYC)
- Site** : Lot 341 (Part) in D.D. 212, Che Keng Tuk, Sai Kung
- Site Area** : About 5,800m<sup>2</sup>
- Lease** : Lot 341 & Ext. in D.D. 212 granted to RHKYC by way of private treaty grant and extended under New Grants No. 8244 and 9754 respectively  
(a) Expired on 8.10.2014 and RHKYC remains in possession by way of hold over up to 8.3.2023  
(b) Restricted to the purposes of a yacht club and other ancillary recreational activities and a fixed pontoon system
- Plan** : Approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/8
- Zoning** : “Recreation” (“REC”)  
*[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m) for residential development (except ‘New Territories Exempted House’)]*
- Application** : Marina (Proposed Ancillary Facilities for Existing Yacht Club)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for marina (proposed ancillary facilities for existing yacht club) 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 (**Plan A-1**). 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 is currently occupied by the RHKYC (**Drawing A-1**). The proposed development involves three new one-storey structures including an office-cum-storage building, a storage building with refuse collection point (RCP), and a guard house (**Drawings A-2, A-3 and A-5**), as well as three new toilets and a kitchen extension to be provided through conversion of part of the

existing canopy area<sup>1</sup> adjoining the clubhouse (**Drawing A-4**). According to the applicant, the existing gross floor area (GFA) of the Site is 322.54m<sup>2</sup>, the three new structures will induce an increase in GFA of not more than 178m<sup>2</sup>, while the three new toilets and kitchen extension would not involve any additional GFA. The layout of the existing 75 private car parking spaces at the Site will be slightly modified, but the number of parking spaces will remain unchanged. The Master Layout Plan, layout plans and sections submitted by the applicant are at **Drawings A-1 to A-5**. Major development parameters of the applicant's proposal are tabulated below:

	Existing Development	Proposed Development
Site Area	About 5,800m <sup>2</sup>	About 5,800m <sup>2</sup>
GFA	322.54m <sup>2</sup>	Not more than 178m <sup>2</sup> *
Plot Ratio <sup>@</sup>	About 0.056	About 0.031
Site Coverage	About 6.77%	Not more than 3.1%*
No. of Blocks	4	3 - 1 office-cum-storage building (60.8m <sup>2</sup> ) - 1 storage building (105.9m <sup>2</sup> ) with RCP (8.2m <sup>2</sup> ) - 1 guard house (2.3m <sup>2</sup> )
Building Height	One storey	One storey / 3.2m

*\*The three new toilets (totalling 5.3m<sup>2</sup>) and kitchen expansion (9.6m<sup>2</sup>) under application will not involve any additional GFA and site coverage as they have already been accounted under the existing canopy. The applicant claims that the total GFA including the proposed development under application will not exceed the lease restriction of not more than 500m<sup>2</sup>.*

*@By calculation only.*

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

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|--|----------------------|
| (a) Application Form received on 6.9.2022                        | <b>(Appendix I)</b>  |
| (b) Supporting Planning Statement                                | <b>(Appendix Ia)</b> |
| (c) Further Information (FI) received on 11.11.2022 <sup>#</sup> | <b>(Appendix Ib)</b> |
| (d) FI received on 7.12.2022 and 12.12.2022 <sup>^</sup>         | <b>(Appendix Ic)</b> |
| (e) FI received on 13.1.2023 <sup>#</sup>                        | <b>(Appendix Id)</b> |
| (f) FI received on 30.1.2023 <sup>#</sup>                        | <b>(Appendix Ie)</b> |

<sup>#</sup> *accepted and exempted from publication and recounting requirements*

<sup>^</sup> *accepted but not exempted from publication and recounting requirements*

1.4 On 28.10.2022, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as

<sup>1</sup> The existing canopy for the clubhouse, which is mainly used as outdoor seating area, was permitted under planning application No. A/SK-HH/19 (details in paragraph 5 below and **Appendix II**). According to the application, the canopy with a height of 3m covers an area of 139m<sup>2</sup>.

requested by the applicant.

## **2. Justifications from the Applicant**

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

- (a) the RHKYC facilities at Shelter Cove have been in existence before the first statutory plan gazetted in 1990. Some of the existing facilities are quite old and inadequate to meet the operational needs. The application is therefore to seek planning permission for minor practical structures to support the existing yacht club operations;
- (b) during the process of preparing the new lease, a site inspection by the Lands Department (LandsD) identified some storage containers and the guard house as new structures which are not 'existing structures' before 1990. These structures have been removed from the Site as requested. Under the new lease, the yacht club facilities will be opened for sharing with other eligible groups and non-members. The proposed structures will better accommodate these recreational activities;
- (c) there is currently no office facility on the Site for staff of the marina as well as for coaches and training officers. An office at the Site is required for providing these essential supporting services;
- (d) the proposed storage facilities will be used for storage of small boats, sails, safety equipment, race management equipment, as well as for replacement and maintenance materials related to the pontoons, marine berths and boat storage equipment, which are needed for the operation of the yacht club. The proposed RCP will prevent wild boars from ravaging the refuse, while the proposed guard house located at the entry barrier to the car park is also an essential operational facility;
- (e) at present, the only toilet facilities at the Site are within the male and female changing rooms, which are heavily used and are at some distance from the eating area. The additional toilets will provide convenience to the patrons of the eating area; and
- (f) the existing kitchen area is small and some facilities such as freezers are located outside the kitchen. The proposed expansion of the kitchen area will enable a much more efficient and safer arrangement. All the spaces for the kitchen alterations and additional toilets are within the canopy area approved in the previous application No. A/SK-HH/19 and there will be no additional GFA involved.

## **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 RHKYC has been in existence before the gazette 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 is a Column 2 use, any relevant development proposal including intensification of the yacht club development requires permission from the Board.

#### 5. **Previous Applications**

5.1 The Site is the subject of the following previously approved applications:-

- (a) proposed redevelopment of a toilet block and a store/staff room into a three-storey changing block approved with conditions by the Committee on 9.8.1996 (Application No. A/SK-HH/3);
- (b) proposed distribution board and cable trenches approved by the Committee on 26.2.1999 (Application No. A/SK-HH/18);
- (c) proposed canopy and structures for an existing clubhouse approved with conditions by the Committee on 14.5.1999 (Application No. A/SK-HH/19). The canopy with a height of 3m covering an area of about 139m<sup>2</sup> was proposed to cover the external terrace of the clubhouse for dining purpose. The application was approved mainly on the grounds that the proposed development was in line with the planning intention of “REC” zone; no significant visual impact; and no impact on the natural landscape in the area; and
- (d) proposed utility installations (underground water tank & electricity cum utilities room) approved with conditions by the Committee on 22.11.2002 (Application No. A/SK-HH/27).

5.2 Based on available records, the proposal under application No. A/SK-HH/3 was subsequently not implemented, while those for applications No. A/SK-HH/18, 19 and 27 were completed and relevant planning conditions had been complied with. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

#### 6. **Similar Applications**

There are two similar applications (No. A/SK-HH/63 and 79) for related facilities of ‘marina’ use in another marina within the “REC” zone on the same OZP. They were approved by the Committee on 12.12.2014 and 13.8.2021 respectively mainly on the grounds that the proposed developments were considered not in conflict with the planning intention of “REC” zone and not incompatible with the surrounding environment; and no adverse landscape and urban design impacts were anticipated.

Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

**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 and A-4b)**

7.1 The Site is:

- (a) currently occupied by the RHKYC with facilities including a clubhouse, male and female changing rooms, an electricity substation, an open carpark and boat storage area etc.;
- (b) largely formed in particular where the proposed three new buildings are located (**Plan A-4a**); and
- (c) accessible from Che Keng Tuk Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate west is the gulf of Hebe Haven with berthing spaces of yachts/boats extended from the seawall (**Plan A-3**);
- (b) to the immediate north is Hong Kong Marina within the same “REC” zone and the village settlement of Tsiu Hang Hau;
- (c) to the immediate east are heavily vegetated slopes within “Conservation Area” zone; and
- (d) to the further east and north are Ma On Shan Country Park and Tsiu Hang Special Area respectively.

**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 summarised as follows:

**Land Administration**

9.1.1 Comments of the District Lands Officer/Sai Kung, LandsD:

- (a) Lot 341 and Extension thereto in D.D. 212 (the Lot) was granted to RHKYC by way of private treaty grant dated 9.10.1993 registered

as New Grant No. 8244 as varied or modified by two modification letters dated 1.12.2003 and 20.8.2007 and as extended by Conditions of Extension dated 6.12.2004 registered as New Grant No. 9754 (hereinafter collectively referred to as “the Government Lease”) for a yacht club and other ancillary recreational activities and a fixed pontoon system. The term of the Government Lease was already expired on 8.10.2014 and RHKYC remains in possession of the Lot by way of hold over as per the 14<sup>th</sup> hold over letter up to 8.3.2023. Detailed comments are included in **Appendix V**;

- (b) the applicant’s FI in **Appendix Ib** in response to their comments are noted and he has no further comment on the application on the condition that the existing lease for the Lot is successfully renewed by the Government; and
- (c) if the subject application is approved by the Board and depending on the terms and conditions of the new lease to be granted, the lot owner may require to apply for a lease modification to effect the proposal. However, there is no guarantee that such application will be approved by the Government. Such application, if eventually approved, will be subject to such terms and conditions as the Government considers appropriate at its discretion.

### **Environment**

#### 9.1.2 Comments of the Director of Environmental Protection:

- (a) based on the information provided in the Sewage Impact Assessment (SIA) Report (**Appendix Ic**), there is no public sewerage connection in the vicinity of the Site. Sewage generated from the Site is currently collected and treated by the existing septic tank with soakaway (STS) system;
- (b) it is noted that the applicant would enlarge the as-built STS system from 14.4m<sup>3</sup> to a capacity of minimum 20m<sup>3</sup> to cater for the additional sewage and waste water arising from the proposed development. In this connection, the applicant will follow the recommendations stated in ProPECC PN 5/93 for the STS system. With the design considerations and maintenance requirements outlined in the recommendations and conclusion section of the SIA Report, it is anticipated that the proposed development will unlikely cause adverse water quality and sewage impacts;
- (c) in view of the scale and nature of the proposed development and the measures to be implemented as mentioned above, he has no in-principle objection for the application; and
- (d) other comments are included in the advisory clauses at **Appendix VI**.

## **Urban Design and Landscape**

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

#### **Urban Design and Visual**

- (a) the Site is located at the waterfront where the berthing/mooring facilities of the subject marina are located. Its inland side is bounded by densely vegetated slopes; to its north is the Hong Kong Marina; and to its south are a few village houses of one to three storeys. Given the site location and topography, the other village clusters at Tsiu Hang Hau will unlikely have a direct view to the proposed new facilities;
- (b) given the location and surrounding context of the Site and that the proposed new facilities within the existing marina are small in scale (PR of 0.031 and building height of 3.2m), the proposed new facilities would unlikely induce visual impact on the area; and

#### **Landscape**

- (c) with reference to the aerial photo of 2022, it is observed that the Site is situated in an area of bay landscape as well as coastal uplands and hillsides landscape character predominated by low rise buildings of residential and marina use, and surrounded by the dense woodland of Ma On Shan Country Park (South Portion). The proposed ancillary facilities have no impact on landscaping as the new buildings are located within the extent of the current hard paved area. As such, the proposal is considered not entirely incompatible with the landscape character of the surroundings and significant landscape impact is not envisaged. Hence, she has no adverse comment on the application from landscape planning perspective.

## **Drainage**

### 9.1.4 Comments of the Chief Engineer/Mainland South, Drainage Services Department:

provided that adequate stormwater drainage collection and disposal facilities would be provided in connection with the proposed use to deal with the surface runoff of the Site or the same flowing onto the Site from the adjacent areas without causing any adverse drainage impact on the areas or nuisance to the adjoining areas, he has no in-principle objection to the application from drainage maintenance viewpoint.

## **Building Matters**

### 9.1.5 Comments of the Chief Building Surveyor/ Hong Kong East & Heritage, Buildings Department:

no in-principle objection under the Buildings Ordinance. Other comments are included in the advisory clauses at **Appendix VI**.

### **Fire Safety**

#### 9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application subject to water supplies and fire service installations being provided to the satisfaction of the D of FS;
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the applicant is advised to observe the requirements of emergency vehicle access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Buildings Department.

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

- (a) Commissioner for Transport;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department
- (e) Chief Engineer (Works), Home Affairs Department (HAD);
- (f) District Officer (Sai Kung), HAD; and
- (g) Director of Agriculture, Fisheries and Conservation.

## **10. Public Comments Received During Statutory Publication Periods**

- 10.1 On 13.9.2022 and 16.12.2022, the application was published for public inspection. During the statutory publication periods, a total of 204 public comments were received, including 202 supporting comments and two comments providing views. A full set of the public comments is deposited at the meeting for Members' inspection.
- 10.2 The 202 supporting comments (samples at **Appendix IVa**) are submitted by individuals mainly on the grounds that the proposed facilities will enhance the operation of the yacht club to meet its future needs, will not create adverse landscape, visual, sewerage, and traffic impacts on the surrounding environment, and will help promote marine sporting activities and events in Hong Kong.
- 10.3 The two comments providing views on the application (**Appendix IVb**) are submitted by individuals. One comment suggested that consideration should be given to use stacking parking system for more efficient use of land, while the other comment raised that the facility at the yacht club is already near full



capacity and the proposal would not improve the situation.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for marina (proposed ancillary facilities for existing yacht club) at the Site which falls within the “REC” zone on the OZP. The proposed development involves three new one-storey (3.2m) structures including an office-cum-storage building, a storage building with RCP and a guard house, as well as three new toilets and a kitchen extension to be provided through conversion of part of the existing canopy area adjoining the clubhouse. The planning intention of the “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 proposed ancillary facilities are to improve the existing facilities of the yacht club for better accommodation of the recreational activities. The proposed development is therefore in line with the planning intention of the “REC” zone.
- 11.2 The proposed new facilities with GFA of not more than 178m<sup>2</sup> within the existing marina<sup>2</sup> are small in scale. CTP/UD&L has no adverse comment on the application and advises that given the location and surrounding context of the Site (**Plan A-3**), the proposed new facilities would unlikely induce visual impact in the area. In addition, as the new buildings are located within the extent of the current hard paved area, the proposed facilities is considered not entirely incompatible with the landscape character of the surrounding and significant landscape impact is not envisaged.
- 11.3 All government departments consulted have no objection to or no adverse comment on the application. Should the application be approved, an approval condition is recommended in paragraph 12.2 below to address fire safety concern. The recommended advisory clauses are in **Appendix VI**.
- 11.4 The Site is the subject of four previously approved applications (No. A/SK-HH/3, 18, 19 and 27) for various ancillary uses in support of the yacht club operation (**Appendix II**). The proposal under application No. A/SK-HH/3 was not implemented, while those for applications No. A/SK-HH/18, 19 and 27 were completed and relevant planning conditions had been complied with. The existing canopy for the clubhouse (i.e. where the proposed three new toilets and kitchen expansion are located) was permitted under application No. A/SK-HH/19 in 1999 mainly on the grounds that the proposed development was in line with the planning intention of “REC” zone; no significant visual impact; and no impact on the natural landscape in the area. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 The supporting comments are noted. Regarding the two comments providing views/ suggestions on the yacht club development, the applicant responded

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<sup>2</sup> According to the applicant, the existing GFA of the Site is 322.54m<sup>2</sup> and the total GFA for the Site will not exceed 500m<sup>2</sup>.

that the practicality of using stacking facilities for parking at the Site is being considered and this application aims to improve storage facilities at the Site so that better management can be achieved (**Appendix Ie**).

## **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 3.2.2027, 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 condition of approval and advisory clauses are also suggested for Members' reference:

### Approval Condition

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 VI**.

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) 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 reason(s) for rejection should be given to the applicant.

## **14. Attachments**

<b>Appendix I</b>	Application Form received on 6.9.2022
<b>Appendix Ia</b>	Supporting Planning Statement
<b>Appendix Ib</b>	FI received on 11.11.2022
<b>Appendix Ic</b>	FI received on 7.12.2022 and 12.12.2022
<b>Appendix Id</b>	FI received on 13.1.2023
<b>Appendix Ie</b>	FI received on 30.1.2023

<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendices IVa and IVb</b>	Public Comments - Samples
<b>Appendix V</b>	Detailed Comments from Government Departments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawing A-2</b>	Layout Plan of Office / Storage Building
<b>Drawing A-3</b>	Section of Office / Storage Building
<b>Drawing A-4</b>	Layout Plan of Expanded Kitchen & Additional Toilets
<b>Drawing A-5</b>	Layout Plan and Sections of Guard House
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2023**