

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HH/83

- Applicant** : Lucky Success Enterprises Limited represented by Lawson David and Sung Surveyors Limited
- Site** : Lots 49 S.A ss.3 (Part) and 49 S.A RP (Part) in D.D. 212, Che Keng Tuk, Sai Kung, New Territories
- Site Area** : About 151.1m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/8
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Private Swimming Pool for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary private swimming pool for a period of three years, which falls within an area zoned “V” on the approved Hebe Haven OZP No. S/SK-HH/8 (**Plans A-1 and A-2**). 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). The Site is currently mainly occupied by an unused swimming pool covered by weeds.
- 1.2 The Site is the subject of four previous applications submitted by the same applicant for the same use, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2020. Details of the previous applications are in paragraph 5 below and at **Appendix II**. The nature, layout and development parameters of the current temporary private swimming pool remain unchanged from the last approved scheme, the planning permission of which lapsed on 13.9.2023.
- 1.3 The applied use comprises a temporary private swimming pool of about 128m² (1.5m to 3m in depth), a 50mm-tall ancillary filtration plant platform of about

9.6m² and an underground surge tank of about 13.5m² (**Drawings A-1 to A-2**). According to the applicant, the private swimming pool has been constructed in accordance to the building plan approved by the Building Authority on 23.5.2017. The applied private swimming pool will solely serve the adjacent Small House¹ at Lot 335 in D.D. 212 currently under rebuilding (**Drawing A-1 and Plan A-2**). The wastewater (backwash) from the filtration plant of the swimming pool would be discharged into the septic tank and soakaway system of the said Small House in accordance with relevant guidelines. The lot index plan and the as-built record plan of the swimming pool submitted by the applicant are at **Drawings A-1 to A-2**.

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

- (a) Application Form received on 28.10.2024 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) received on 28.10.2024 **(Appendix Ia)**
- (c) Further Information (FI) received on 3.12.2024* **(Appendix Ib)**

**accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

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

- (a) the applied private swimming pool will not jeopardise the long-term planning intention of the “V” zone given its temporary nature;
- (b) the swimming pool is considered not incompatible with the local character of the area comprising village houses and low-rise, low-density residential developments;
- (c) the temporary swimming pool has been constructed in accordance with the approved building plan (**Drawing A-2**). The applicant has also obtained Short Term Waiver (STW) from the Lands Department (LandsD) to use the Site for temporary private swimming pool;
- (d) as the swimming pool will solely serve the residents of the adjacent Small House, the anticipated usage frequency of the swimming pool use is low and no additional lightings would be installed. The applied use would not cause any adverse traffic, visual, landscape and environmental impacts on the locality;
- (e) no adverse fire safety impact is anticipated as the relevant approval conditions related to the submission and implementation of fire service installations (FSIs) proposals for the last planning permission (No. A/SK-HH/76) were considered

¹ The applicant has demolished the said Small House during the last approval period of the subject private swimming pool and indicates to commence rebuilding works in 2025. For the Small House to be rebuilt, the Certificates of Exemption in respect of the building works and drainage works have been issued and building plans for site formation were also approved.

complied with by the Fire Services Department; and

- (f) the applicant would adhere to the requirements of the Drainage Services Department (DSD) and provide adequate stormwater drainage measures to avoid any adverse drainage impacts to the areas or nuisance to the adjoining areas.

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

5. **Previous Applications**

5.1 The Site is the subject of four previous applications (No. A/SK-HH/52, 62, 72 and 76) submitted by the same applicant for the same temporary private swimming pool use. All four applications were approved with conditions by the Committee on a temporary basis for a period of three years between 2011 and 2020, mainly on the grounds that the long-term planning intention of the “V” zone would not be jeopardized and no significant adverse impacts were anticipated. For the last approved application No. A/SK-HH/76, the relevant approval conditions related to the submission and implementation of FSIs proposal have been complied with and the planning permission lapsed on 13.9.2023.

5.2 Details of previous applications are summarised at **Appendix II** and their locations are at **Plans A-1** and **A-2**.

6. **Similar Application**

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

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

7.1 The Site:

- (a) is currently occupied by an unused swimming pool in a fenced off area covered by weeds;
- (b) is located to the immediate southeast of a Small House under rebuilding at Lot 335 in D.D. 212;
- (c) is within the village cluster and the Village ‘Environs’ (‘VE’) of Che Keng Tuk;

and

(d) can be accessed through the gate of the said Small House which connects to a local access branching off Che Keng Tuk Road.

7.2 The surrounding areas are predominantly rural in character comprising mainly village houses of Che Keng Tuk with trees and shrubs. To its immediate northwest is a formed platform of the Small House to be rebuilt at Lot 335 in D.D. 212. The coastline of Hebe Haven in the “Coastal Protection Area” zone and the Tsiu Hang Special Area in the “Country Park” zone are located to its further south and north across Che Keng Tuk Road respectively.

8. Planning Intention

The planning intention of the “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 III** and **IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 8.11.2024, the application was published for public inspection. During the statutory publication period, one public comment was received from an individual expressing concern on the application on the grounds that the temporary swimming pool is not in line with the planning intention of “V” zone and will have potential impact on the available land area for Small House development within the “V” zone (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary private swimming ~~school~~*pool* at the Site for a period of three years which falls within an area zoned “V” on the OZP (**Plan A-1**). The planning intention of the “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. Although the applied use is not entirely in line with the planning intention of the “V” zone, it is intended to serve the residents of a Small House under rebuilding to

the northwest of the Site within the village cluster and 'VE' of Che Keng Tuk. According to the District Lands Officer/Sai Kung (DLO/SK), LandsD, there is no Small House application approved or under processing within the Site. Based on the Planning Department (PlanD)'s latest estimate with reference to LandsD's information on Small House demand², land available within "V" zone is still enough to meet the Small House demand. Approval of the application on temporary basis for a period of three years would not jeopardise the long-term planning intention of the "V" zone.

- 11.2 The Site is currently occupied by an unused swimming pool in a fenced off area covered by weeds and located in an area predominantly rural in character comprising mainly village houses and low-rise, low-density residential developments with trees and shrubs. According to the Chief Town Planner/Urban Design and Landscape, PlanD, noting that the Site falls into a non-sensitive zoning currently vacant and covered by weeds, no significant landscape resources are observed. As the applied use involves no tree felling, landscape impact arising from the applied use is not anticipated.
- 11.3 Relevant government departments consulted including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland South of DSD, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no comment on the application from traffic, environmental, drainage, sewerage, water supply and fire safety perspectives respectively.
- 11.4 The Site is the subject of four previously approved applications for the same temporary use submitted by the same applicant. The last planning permission lapsed on 13.9.2023. The former Small House at Lot 335 in D.D.212 was subsequently demolished during the last approval period of the subject private swimming pool and the rebuilding works would commence in 2025. The nature, layout and development parameters of the temporary private swimming pool under the current application remain unchanged as compared to the previously approved scheme. Approval of the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comment expressing concern on the application on the grounds as summarised in paragraph 10 above, the departmental comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary private swimming pool could be tolerated for a period of three years.

² According to DLO/SK, LandsD, there are 10 outstanding Small House applications being processed in Che Keng Tuk, while no 10-year Small House demand forecast has been provided by the Indigenous Inhabitant Representative to his office. Based on the latest estimate by PlanD, about 1.02 ha of land area is available within the "V" zone of Che Keng Tuk (equivalent to 41 Small House Sites).

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 until 20.12.2027. The Recommended Advisory Clauses are 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 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 received on 28.10.2024
Appendix Ia	SPS received on 28.10.2024
Appendix Ib	FI received on 3.12.2024
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Lot Index Plan submitted by the applicant
Drawing A-2	As-built Record 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
DECEMBER 2024**