

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

**APPLICATION NO. A/SK-PK/277**

<b><u>Applicant</u></b>	:	Dolphin Canoe Club
<b><u>Site</u></b>	:	Government Land (GL) in D.D. 216, Tai Mong Tsai Road, Tai Wan, Sai Kung
<b><u>Site Area</u></b>	:	About 111m <sup>2</sup> (all GL)
<b><u>Land Status</u></b>	:	Short Term Tenancy (STT) No. SX1085 covering the application site (the Site) and adjoining GL (a) Restricted to the purposes of open storage of canoes and permitted ancillary uses (b) Tenancy commenced on 1.1.1983 (c) Offer of amendment for a revised STT area accepted by the applicant on 11.3.2022
<b><u>Plan</u></b>	:	Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
<b><u>Zoning</u></b>	:	“Coastal Protection Area” (“CPA”)
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Place of Recreation (Canoe Club) for a Period of Three Years

**1. The Proposal**

1.1 The applicant seeks renewal of planning approval for temporary place of recreation (canoe club) for a period of three years at the Site, which falls within an area zoned “CPA” on the Pak Kong and Sha Kok Mei OZP (**Plan A-1**). The applied use is neither a Column 1 nor Column 2 use within the “CPA” zone. According to the Notes of the OZP, temporary use of any land not exceeding a period of three years requires permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/SK-PK/255 (**Plans A-2 to A-4b**). All approval conditions of the previous application have been complied with and the planning permission is valid until 23.12.2022.

1.2 The GL adjoining the Site is under a STT granted to the applicant for open storage

of canoes and permitted ancillary uses with the tenancy commenced on 1.1.1983, i.e. before the gazettal of the interim development permission area (IDPA) plan on 12.10.1990. The original STT area did not cover the Site. Subsequently, the STT area has been revised to incorporate the Site (**Plan A-2**) upon the applicant's acceptance of the offer of amendment to STT on 11.3.2022. While the canoe club use at the adjoining GL (not including the Site) is tolerated as an "existing use" (EU) under the Town Planning Ordinance, the extension of the canoe club use to the Site<sup>1</sup> may only be permitted on a temporary basis on application to the Board.

1.3 The Site is the subject of two previously approved applications submitted by the same applicant for the same use (details in paragraph 5 below). The current application is the same as the two previously approved applications in terms of site boundary, layout, and development parameters. According to the applicant, upon renewal of the planning approval, the Site will continue to be occupied by three structures including a metal porch (used for canoe storage) and minor extension of the office and changing room of the canoe club, with a total gross floor area of 48m<sup>2</sup> and building heights varying from 2.7m to 3.3m. The canoe club operates between 8:30 a.m. and 6:00 p.m. daily.

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

- (a) Application form with attachments received on 20.9.2022      **(Appendix I)**
- (b) Supplementary information received on 26.9.2022      **(Appendix Ia)**

## **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 summarised below:

- (a) after obtaining the previous planning permission, the applicant has complied with the approval conditions to operate the canoe club, which has been running smoothly without generating any adverse impact on the surrounding areas;
- (b) in compliance with the planning conditions under the previous approval, the applicant has been restricting the operation hours of the canoe club to between 8:30 a.m. and 6:00 p.m. and securing the certificate of the fire service installations annually. Upon renewal of the planning approval, the applicant will continue their compliance with relevant approval conditions;
- (c) the Site has been used for providing the community with canoe training courses on a non-profit basis. The applicant will continue to serve the community after the renewal is granted; and
- (d) the renewal is required for regularisation of the minor extension of the canoe club and will not jeopardise the planning intention and future uses of the Site.

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<sup>1</sup> The applied use at the Site is not an EU, since the extension of the canoe club use to the Site came into existence after the gazettal of the IDPA plan on 12.10.1990.

**3. Compliance with the “Owner’s Consent/Notification” Requirements**

As the Site involves GL only, the “owner’s consent/notification” 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) are not applicable.

**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) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

**5. Previous Applications**

5.1 The Site is the subject of two previous applications (No. A/SK-PK/233 and 255) submitted by the same applicant for the same use, which were approved with conditions on a temporary basis by the Rural and New Town Planning Committee (the Committee) on 23.12.2016 and 15.11.2019. The previous applications were approved mainly on the considerations that the applied use would not jeopardise the planning intention of the subject “CPA” zone, and no significant adverse impact was anticipated. All approval conditions of the previous applications have been complied with. The temporary approval under the last application (No. A/SK-PK/255) is valid until 23.12.2022.

5.2 Details of the previous applications are at **Appendix III** and their locations are shown on **Plan A-2**.

**6. Similar Application**

There is no similar application for ‘Place of Recreation’ within the subject “CPA” zone on the same OZP.

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

7.1 The Site is:

- (a) the extension of an existing canoe club covered by a STT (**Plan A-2**);
- (b) paved and occupied by a metal porch used for canoe storage and minor extension of the office and changing room of the canoe club; and
- (c) accessible from Tai Mong Tsai Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the west, north and northeast are village clusters of Tai Wan within areas zoned “Village Type Development”;
- (b) to the east and south is the Inner Port Shelter (Sai Kung Hoi); and
- (c) to the southwest across Tai Mong Tsai Road are vegetated slopes within the “Green Belt” zone.

## **8. Planning Intention**

The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

## **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 27.9.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

- 11.1 The application is for renewal of planning approval for temporary place of recreation (canoe club) at the Site for a period of three years. The Site falls within an area zoned “CPA” on the OZP, the planning intention of which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. Although the applied use is not in line with the planning intention of the “CPA” zone, the Site is paved and has been used for the provision of non-profit canoe training courses. The canoe club use at the GL adjoining the Site is an EU under the Town Planning Ordinance, and the subject application is for regularisation of the canoe club extension at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the planning intention of the “CPA” zone. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation perspective.
- 11.2 The applied use involves three low-rise structures, including a metal porch used for canoe storage and minor extension of the office and changing room of the canoe club. The surrounding areas of the Site are rural in character and mainly occupied

by village clusters and vegetated slopes. The applied use is considered not incompatible with the surrounding areas.

- 11.3 All government departments consulted have no objection to or no adverse comment on the application. No significant adverse impact on surrounding areas arising from the applied use is anticipated. Should the application be approved, approval conditions are recommended in paragraph 12.2 below to address relevant technical concerns and minimise any potential environmental nuisance to adjacent residential uses.
- 11.4 The application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last renewal application on 15.11.2019; no adverse planning implication arising from the renewal application is anticipated; all approval conditions under the previous approval have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 11.5 The Site is the subject of two previously approved applications (No. A/SK-PK/233 and 255) submitted by the same applicant for the same use. The current application is the same as the two previously approved applications in terms of site boundary, layout, and development parameters. Approval of the current application is in line with the Committee's previous decisions.
- 11.6 During the statutory public inspection period, no public comment on the application was received.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary place of recreation (canoe club) could be tolerated for a further 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 24.12.2022 to 23.12.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 6:00 p.m. to 8:30 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the existing fire service installations implemented on the application site shall be maintained in efficient working order at all times during the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

### Advisory Clauses

The recommended advisory clauses are 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 for renewal of the planning 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 application 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**

<b>Appendix I</b>	Application Form with attachments received on 20.9.2022
<b>Appendix Ia</b>	Supplementary Information received on 26.9.2022
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<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 &amp; A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2022**