

RNTPC Paper No. A/YL-PH/904
For Consideration by
the Rural and New Town
Planning Committee
on 18.2.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/904

<u>Applicant</u>	: Sheung Ha Che Sports Association (上下輦體育會) represented by Miss HUI Hang-yu
<u>Site</u>	: Lots 316 S.B ss.2 S.A (Part) and 316 S.B ss.3 S.A (Part) in D.D. 111, Sheung Che, Pat Heung, Yuen Long
<u>Site Area</u>	: About 150m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: “Village Type Development” (“V”) [Maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Temporary Private Club for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary private club for a period of three years. The Site is zoned “V” on the Pat Heung OZP and ‘Private Club’¹ is a Column 2 use in the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is the subject of two previous applications (No. A/YL-PH/713 and 767) submitted by the same applicant as the current application for private club use. The last application No. A/YL-PH/767 was approved with conditions on a temporary basis for 3 years by the Rural and New Town Planning Committee (the Committee) on 2.3.2018. All the approval conditions under the previous application have been complied with, and the planning permission lapsed on

¹ According to the Definitions of Terms used in statutory plans, ‘Private Club’ means any premises or land used by any club, company, partnership or association of persons for recreational and social purposes. It includes any club or society registered under the Societies Ordinance (Cap. 151).

3.3.2021. The Site is currently used for the applied use without planning permission (**Plans A-2 and A-4b**).

- 1.2 According to the applicant, a 2-storey temporary container-converted structure with a total floor area of about 60m² and building height of not more than 5m is erected within the Site for members' leisure area, trophies display corners, multi-function activity room and staircases of the private club (**Drawing A-1**). Two retractable canopies of about 24m² in area are provided along the boundary of building structure for sun-shading purpose. The private club mainly organizes soccer activities and most of the committee members and club members are residents of the Sheung Che and Ha Che. Apart from football activities, they also have plans to organize more sports activities, such as basketball activities and tai-chi class for the elders in recent years. The operation hours of the private club are between 8:00 a.m. and 8:00 p.m daily, including Sundays and public holidays. The private club will accommodate not more than 20 persons. No car parking space is provided on-site. The site layout plan as submitted by the applicant is at **Drawing A-1**.
- 1.3 Compared with the last approved application which was submitted by the same applicant, the current application is the same in terms of the same applied use, the site boundary, total floor area, building height and operation hours.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with supplementary information (**Appendix I**) received on 20.12.2021
 - (b) Further Information (FI) received on 14.2.2022 in (**Appendix Ia**) response to departmental comments
[exempted from publication requirement]

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FI at **Appendices I and Ia**. They can be summarized as follows:

- (a) The temporary private club use does not jeopardize the long-term planning intention of the "V" zone and is compatible with the surrounding developments. Previous applications for the same use were approved on a temporary basis by the Committee in 2015 and 2018 respectively. All the approval conditions of the two previous applications were complied with.

- (b) The club is set up mainly to promote sports activities and serve the residents of Sheung Che and Ha Che. The two-storey container-converted structure is required for use as the club's office, members' recreation place, storage of equipment and meeting venue.
- (c) Its members from Sheung Che and Ha Che will walk or cycle to the club and would not use private vehicles generally. No adverse traffic impact is anticipated. Besides, proper drainage facilities are provided and approval conditions in relation to the submission and implementation of drainage proposal in the last approval were complied with.
- (d) This application is same as previous submission in terms of the applicant, application site boundary, use and the period of the application. As planning permission of the last application No. A/YL-PH/767 lapsed on 3.3.2021, a fresh planning application for the same applied use is necessitated.

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

The applicant is not a “current land owner” but has complied with the 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. 31) by having obtained consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not the subject of any active planning enforcement action.

5. **Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/YL-PH/713 and 767) submitted by the same applicant for ‘Private Club’ use which was approved with conditions by the Committee on 27.3.2015 for 2 years and on 2.3.2018 for 3 years (instead of permanent approval sought in both cases) respectively. The applications were approved mainly on the grounds that the private club use was not in conflict with the planning intention of the “V” zone; the applied use was considered not incompatible with the surrounding land uses; no adverse comments from relevant government departments; and temporary approval was granted to avoid interfering the “Improvement to Fan Kam Road’ project. Details of the previous applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.

- 5.2 Compared with the last application No. A/YL-PH/767, which was submitted by the same applicant, the current application is the same in terms of the applied use, site boundary / area, total floor area and operation hours. All the approval conditions have been complied with and the planning permission lapsed on 3.3.2021.

6. **Similar Applications**

There is no similar application within the “V” zones in the vicinity of the Site on the OZP.

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

7.1 The Site is:

- (a) currently used for the applied use without planning permission;
- (b) paved and fenced-off; and
- (c) abutting Fan Kam Road.

7.2 The surrounding areas are rural in character predominantly mixed with residential dwellings/structures, parking of vehicles, shops and services, open storage/storage yards and vacant structures / land and grass land (**Plan A-2**):

- (a) to its north across a local track are residential dwellings/structures, an open storage yard, parking of vehicles, and the site approved for temporary shops and services use (under Application No. A/YL-PH/837);
- (b) to its east and northeast across Fan Kam Road are residential dwellings/structures, the site approved for temporary shop and services (for bicycle goods shop and convenience shop) (under Application No. A/YL-PH/867), vacant structures / land, and grass land;
- (c) to its south and southwest are residential dwellings/structures, an open storage yard and grass land; and
- (d) to its west across a watercourse are residential dwellings/structures of Sheung Che and Ha Che, including Fu Hing Garden. Further west are the sites approved for parking of vehicles (under Applications No. A/YL-PH/820 and 872) and grass land.

8. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 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**

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 / Yuen Long, Lands Department (DLO/YL, LandsD)

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot 316 S.B ss.2 S.A is covered by Short Term Waiver (STW) No. 4600 and Lot 316 S.B ss.3 is covered by STW No. 4601 to permit structures erected thereon for the purpose of “Private Club”.
- (c) Should the application be approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

- (d) There is no Small House application approved or under processing within the Site.

Traffic

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

Having reviewed the application and the applicant's FI (**Appendix Ia**) related to the nearest public transport services, he has no further comment on the application from traffic engineering perspective.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highway Department (CE/NTW, HyD):

- (a) Her department shall not be responsible for maintenance of any access connecting the Site and Fan Kam Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There was no substantiated environmental complaint received in the past 3 years.
- (b) The applicant seeks planning permission to continue the current use of the Site for a private club. For a properly designed and managed private club of the proposed scale, it would unlikely cause any adverse environmental impact to the surroundings.
- (c) The applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites" issued by DEP.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the development.

- (b) Presumably, the applicant would implement the same drainage facilities as those for the previous application No. A/YL-PH/767. The applicant should advise his department in case there is any change on the Site.
- (c) Should the application be approved, approval conditions on maintaining the drainage facilities implemented under Application No. A/YL-PH/767 and submitting records of the existing drainage facilities on-site to his satisfaction should be included in the planning permission.

Fire Safety

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

- (a) He has no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The FSIs proposal submitted by the applicant in the current application is considered acceptable. The applicant is advised that the installation /maintenance/ modification/ repair work of fire service installation shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the his office. Nevertheless, licensing requirements, if any, shall be formulated upon receipt of formal application via the Licensing Authority. In this connection, the applicant is advised to observe the following publications which are available on the website of Office of the Licensing Authority:
 - (i) Standard Licensing Requirements for Certificate of Compliance for Club Premises;
 - (ii) A Guide to Compliance Requirements for the Certificate of Compliance for Club-houses; and
 - (iii) A Layman's Guide to Application of Certificate of Compliance under the Clubs (Safety of Premises) Ordinance (Cap. 376).
- (c) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Water Supplies

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

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The applicant shall bear the cost of diversion works, if required, affected by the development.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the center line of the water mains shall be provided to his office. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of his department or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No tree or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains shown on **Plan A-2**.
- (e) The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval granted by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the applied use.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent from the BD should be obtained, otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) His detailed comments on UBW, provision of access, temporary or licensed structures are at **Appendix IV**.

- (d) Detailed checking under the BO will be carried out at building plan submission stage.

Nature Conservation

- 9.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

The Site has been paved and is subject to a number of previous applications approved by the Board. Also, it is noted from the planning application that no site formation would be required for the proposed use and fencing is installed. The applicant has stated that appropriate measures would be implemented to avoid disturbance to the watercourse located immediately to the west of the Site during operation. As such, he has no strong view against the planning application from nature conservation perspective.

Others

- 9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) The government land to the immediate south of the Site has not been granted to his department and they do not have any structure erected on this location.
- (b) His detailed comments on the application are at **Appendix IV**.

District Officer's Comments

- 9.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any comments from locals upon close of consultation and has no particular comments on the application.

- 9.2 The following government departments have no comment on / no objection to the application:
- (a) Director of Electrical and Mechanical Services;
 - (b) Project Manager (West), Civil Engineering and Development Department; and
 - (c) Commissioner of Police.

10. Public Comment Received During Statutory Publication Period

On 31.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 21.1.2022, one comment from an individual was received (**Appendix III**). The commenter objects to the application mainly on the grounds that the height of the existing container-converted structure is excessive; existing plantation at the Site blocks the pedestrian access and affects traffic safety; vehicular parking near the Site blocks the main entrance of the village; the development will cause water pollution to the nearby stream course; and part of a refuse collection point to the south of the Site has been occupied by the Site.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary private club for a period of 3 years within an area zoned “V”. The planning intention of the “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Whilst the applied use is not entirely in line with the planning intention of “V” zone, DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. It is considered that approval of the application on a temporary basis for 3 years would not jeopardise the long-term planning intention of the “V” zone.
- 11.2 According to the applicant, the private club is for organizing sports activities for its members who are mostly residents of Sheung Che and Ha Che. The temporary private club under application is considered not incompatible with the surrounding land uses which are rural in character predominated with residential dwellings/structures, parking of vehicles, shop and services, open storage/storage yards and vacant/grass land.
- 11.3 Relevant government departments, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on or no objection to the application. Taking into account the nature and small in scale of the applied use, it is anticipated that the development will unlikely create significant adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraphs 12.2 below. Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP in order to alleviate any potential environmental impacts on the nearby sensitive receivers.

- 11.4 The Site is involved in two previous planning applications (No. A/YL-PH/713 and 767) both for private club use submitted by the same applicant which were approved by the Committee in 2015 on a temporary basis for 2 years and in 2018 on a temporary basis for 3 years instead of a permanent permission sought for the reasons as stated in paragraph 5 above. As compared to the previous application, there is no change on the applied use, site area / boundary, total floor area and operation hours. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 One public comment was received during the statutory application period objecting to the application as stated in paragraph 10 above. In this regard, relevant departments' comments as well as the planning assessments and considerations stated above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the temporary private club for a period of 3 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 3 years until 18.2.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.5.2022;
- (c) the implementation of the accepted fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.8.2022;
- (d) if the above planning condition (a) 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; and

- (e) if any of the above planning condition (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

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 applicants.

14. Attachments

Appendix I	Application Form with Supplementary Information received on 20.12.2021
Appendix Ia	FI received on 14.2.2022
Appendix II	Previous Applications Covering the Site
Appendix III	Public Comment received During the Statutory Publication Period

Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2022**