

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

APPLICATION NO. A/YL-PH/985

- Applicant** : Chief Force Limited
- Site** : Lots 2423 (Part), 2424 (Part) and 2440 (Part) in D.D.111, Pat Heung, Yuen Long
- Site Area** : About 571m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Place of Recreation, Sports or Culture (Indoor Recreation Centre and Elderly Leisure Centre) for a Period of Five Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary place of recreation, sports or culture (indoor recreation centre and elderly leisure centre) for a period of five years and filling of land at the application site (the Site) which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is a Column 2 use under “V” zone which requires planning permission from the Town Planning Board (the Board). Filling of land in the “V” zone also requires planning permission from the Board. The Site is hard-paved and currently occupied by temporary structures for the applied use without planning permission (**Plan A-4**).
- 1.2 According to the applicant, the applied use involves two one-storey structures with a building height not exceeding 4m and a total floor area of about 220m². Structure A will be used as a covered vehicle parking area with four private car parking spaces to support the applied use, whereas Structure B will be used as a leisure centre for provision of recreational and leisure facilities (e.g. mahjong, chess playing etc.) for the nearby villagers including the elderly (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the whole Site with concrete up to a level of +22.2mPD for site formation. The proposed operation hours are from 1:00 p.m. to 10:00 p.m. daily, including public holidays. The Site is accessible from Fan

Kam Road via a local track (**Plan A-2**). The layout plans and car parking plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form and supplementary information received on 7.12.2023 (**Appendix I**)
- (b) Further Information (FI) received on 21.3.2024* (**Appendix Ia**)
- (c) FI received on 8.7.2024* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

1.4 On 26.1.2024 and 10.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

1.5 In light of ‘gale/storm signal No. 8’ announced by the Government on 5.9.2024, the Committee agreed on 8.9.2024 to defer considering of the application to this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ib** and be summarised as follows:

- (a) Wang Toi Shan Shan Tsuen (橫台山散村) lacks recreational and leisure facilities for the nearby villagers, in particular the elderly. The development could provide the needed facilities and also a gathering venue for the villagers. The proposed temporary structures would not be used for domestic purpose.
- (b) The development would be operated for free and no membership is required. The nearby villagers would be responsible for the management and maintenance of the venue.
- (c) The applied use on a temporary basis would not jeopardise the long-term planning intention of the “V” zone. The subject application could also regularise the completed land filling and the applicant commits that no further land filling would be required. The applicant will apply for Short Term Waiver (STW) should the current application be approved.
- (d) The applied use would not cause any adverse impacts in terms of drainage, traffic, environmental and fire safety aspects, and would not create significant nuisance to the surrounding areas. The applicant also submits a drainage proposal and a fire service installations proposal in support of the current application.

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

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the

Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance might be undertaken.

5. Previous Application

There is no previous application covering the Site.

6. Similar Applications

6.1 There are two similar applications (No. A/YL-PH/824 and 929), involving the same site, for temporary place of recreation, sports or culture (including renewal of planning approval granted) in the vicinity of the Site within the "V" zones in the past five years. The two applications were approved with conditions by the Committee on 3.1.2020 and 23.9.2023 respectively mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the "V" zone; the proposed use was not incompatible with the surrounding uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/824 was subsequently revoked on 3.6.2022 due to non-compliance with approval conditions.

6.2 Details of the similar applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) hard-paved and currently partly occupied by temporary structures for applied use without planning permission;
- (b) situated in the midst of the existing village settlements of Wang Toi Shan Shan Tsuen; and
- (c) accessible from Fan Kam Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly village houses intermixed with a vehicle park, a storage yard and a vacant school premises.

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 re-provisioning 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 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

9.1. Apart from the government department as set out in paragraph 9.2 below, other 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.

9.2. The following government department has adverse comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (LandsD):

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots 2423, 2424 and 2440 all in D.D. 111 held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) LandsD has reservation on the application since there are unauthorised structures and uses on Lots 2424 and 2440 both in D.D. 111 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lots. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied

use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (e) no Small House application approved or under processing within the Site.

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, no comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary place of recreation, sports or culture (indoor recreation centre and elderly leisure centre) for a period of five years and filling of land at the Site zoned “V” (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and 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 the “V” zone, it can provide recreational and leisure facilities for the nearby villagers including the elderly. DLO/YL of LandsD advises that there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The Site is situated in the midst of the existing village settlements of Wang Toi Shan Shan Tsuen. Taking into account the nature and small scale of the applied uses, the applied use is not considered incompatible with the surrounding land uses which are rural in character comprising mainly village houses. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant landscape impact arising from the applied use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and the Director of Fire Services, have no objection to or adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the possible environmental nuisance caused by the applied use on the surrounding areas.

- 11.5 DLO/YL of LandsD's concerns on the unauthorised structures and uses under lease on the subject lots is a land administration matter. In this regard, the applicant states that application for STW will be made to LandsD. To address his concern, relevant advisory clause on application to LandsD for regularising the unauthorised structures and uses is recommended should the Committee decide to approve the application.
- 11.6 There are two approved similar applications for place of recreation, sports or culture uses in the vicinity of the Site in the past five years as detailed in paragraph 6 above. The Committee's considerations on these applications are generally applicable to the current application and approving the current application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.
- 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 five years until 206.9.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 206.3.2025;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 206.6.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 206.6.2025;
- (e) if the above planning condition (c) 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
- (f) if any of the above planning condition (a), (b) or (d) 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 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 applied use is not in line with the planning intention of the "V" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 applicant.

14. Attachments

Appendix I	Application Form and supplementary information received on 7.12.2023
Appendix Ia	FI received on 21.3.2024
Appendix Ib	FI received on 8.7.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 and A-2	Layout Plans
Drawing A-3	Car Parking Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos