

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

**APPLICATION NO. A/SK-CWBS/26**

- Applicant** : Drainage Services Department (DSD), the Government of the HKSAR
- Site** : Government Land in D.D. 241, Po Toi O, Sai Kung, New Territories
- Site Area** : About 916.3m<sup>2</sup>
- Land Status** : Government Land
- Plan** : Approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP)  
No. S/SK-CWBS/2
- Zoning** : “Conservation Area”
- Application** : Proposed Public Utility Installation (Sewage Treatment Plant and  
Underground Sewers) and Excavation of Land and Re-provisioning of  
Refuse Collection Point

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed development of a sewage treatment plant (STP) and underground sewers and associated land excavation as well as re-provisioning of refuse collection point (RCP) at the application site (the Site). The Site falls within an area zoned “Conservation Area” (“CA”) on the approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2 (**Plan A-1**). According to the Notes of the OZP, STP to be provided by the Government with a treatment capacity of less than 5,000m<sup>3</sup>/day (which is regarded as “Public Utility Installation”), Government RCP and excavation of land require planning permission from the Town Planning Board (the Board).
- 1.2 The proposed development comprises a 3 storey (one storey over 2 storeys below ground) STP with total floor area of 801.2m<sup>2</sup> and underground sewers with total length of about 27.6m. The existing RCP at the western part of the Site will be relocated about 12.6m northward. The remaining open area of the Site is for the proposed access road and footpath and re-provisioning of on-street metered car parks and a disabled car park. The master layout plan, floor plans, section plans, tree survey plan, compensatory trees plan, landscape and visual mitigation plan and location studied of the proposed development are at **Drawings A-1 to A-10**. A summary of the major development parameters of the proposed development is as follows:

Site Area:	916.3m <sup>2</sup>
Total Floor Area:	801.2m <sup>2</sup>
Plot Ratio:	0.87
Site Coverage:	15%
No. of Structure	1
Building Height:	5.65m above ground
No. of Storey (above ground):	1
No. of Storey (below ground):	2

- 1.3 According to the applicant, excavation and site formation works with maximum depth of about 13m will be involved for construction of a 2-level basement. 4 existing trees will be felled and 9 trees will be retained. 12 compensatory trees will be provided (**Drawings A-7 & A-8**). Landscape and visual mitigation measures are proposed including building design/materials, compensatory tree/shrub planting and vertical greening (**Drawing A-9**).
- 1.4 The applicant indicates that 4 possible sites have been studied in Po Toi O for the proposed STP (**Drawing A-10**). Amongst these 4 possible sites, three sites are considered not suitable due to adverse visual impact, technical difficulties in operation and maintenance aspects and objection from village representatives. Details of the site selection criteria and findings are at Table 1.1 of **Appendix Ia**. The Site is considered technically feasible for construction of the STP with acceptable visual impact and is supported by village representatives.
- 1.5 In support of the application, the applicant has submitted the following documents:
- |   |                        |
|---|------------------------|
| (a) Application Form dated 23.11.2017   | ( <b>Appendix I</b> )  |
| (b) Planning Study Report   | ( <b>Appendix Ia</b> ) |
| (c) Letter dated 8.12.2017 providing a revised page of the Planning Study Report ( <i>exempted from publication</i> )   | ( <b>Appendix Ib</b> ) |
| (d) Further information (FI) dated 23.2.2018 providing responses to departmental comments and revised pages of the Planning Study Report ( <i>not exempted from publication</i> ) | ( <b>Appendix Ic</b> ) |
| (e) FI dated 27.2.2018 providing revised pages of the Planning Study Report ( <i>not exempted from publication</i> )  | ( <b>Appendix Id</b> ) |
| (f) FI dated 22.3.2018 providing responses to departmental comments and revised pages of the Planning Study Report ( <i>exempted from publication</i> )                           | ( <b>Appendix Ie</b> ) |
- 1.6 On 12.1.2018, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months, as requested by the applicant, to allow time for preparation of FI in response to comments from government departments. On 23.2.2018, 27.2.2018 and 22.3.2018, the applicant submitted FIs as detailed in paragraph 1.5 above. The application is scheduled for the consideration by the Committee at this meeting.

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia** and can be summarised as follows:

- (a) The proposed STP and associated underground sewers form part of the proposed sewerage system in Po Toi O and it will bring a significant improvement to the overall water quality of Po Toi O area benefiting the general health and welfare of the community.
- (b) A site search exercise has been conducted. Amongst 4 possible sites, the Site is considered to be the only site suitable for the proposed development (**Drawing A-10**). The selection of the Site is also supported by local community. The proposed STP is located at slope outside developed area or area with potential for development. The proposed development will utilize the scarce land resources.
- (c) The Site comprises government land and is distance from village houses area. This would avoid any impact to the adjoining existing and potential village houses development.
- (d) The surrounding areas of the Site are slope features and Po Toi O Chuen Road. The proposed STP is small and is considered not incompatible with the surrounding rural character. With the implementation of mitigation measures during the construction and operation phases, the overall landscape and visual impacts of the STP are acceptable.
- (e) With implementation of de-odourising system, no unacceptable odour impact is anticipated. Most of the noisy equipment in the proposed STP are fully enclosed underground or enclosed by concrete structure. No unacceptable operational noise impact is anticipated.
- (f) The plant would be maintained by an automatic control system. Additional traffic generated in operation and construction stages are low. As summarized in the Traffic Impact Assessment (TIA), the traffic impact is insignificant.
- (g) Runoff is considered insignificant due to the small site area. Proper drainage system would be provided for the proposed STP. No adverse drainage impact is anticipated. Water demand for the proposed development is minimal and the water supply impact is insignificant. The existing slope at the Site will be modified and adequate retaining structures will be constructed to retain surrounding slopes. No insurmountable geotechnical issue is expected.
- (h) As sewerage works are proposed in the unsewered Po Toi O Village for onsite sewage treatment, the proposed STP can eliminate water pollution and hygiene concern caused by overflow of partially treated sewage from septic tanks. Major ecological impact will be loss of shrubland habitat and two common plant species of conservation concern. Other impacts include construction dust, noise and water quality impacts. Mitigation measures are proposed to minimize the generation and emission of these pollution sources. Given the small scale and beneficial impact of the proposed STP, the overall ecological impact is considered acceptable.
- (i) The District Council and Village Representatives have been consulted, the proposed development is supported by the local community.

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

As the Site involves Government land 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. 31) are not applicable to the application.

**4. Previous Application**

There is no previous application for the Site.

**5. Similar Application**

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

**6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos in Plans A-4a and A-4b)**

6.1 The Site :

- (a) forms part of the existing slope feature covered with trees and shrubs;
- (b) abuts and accessible from Po Toi O Chuen Road; and
- (c) an existing RCP is located within the western part of the Site.

6.2 The surrounding areas have the following characteristics:

- (a) to the north is Po Toi O Village;
- (b) to the northeast, east and south are vegetated slopes within the “CA” zone;
- (c) to the immediate west and northwest along the Site boundary are three on-street metered car parks and a disabled car park; and
- (d) to the west across Po Toi O Chuen Road is the coastal area of Po Toi O falling within the “Coastal Protection Area” zone.

**7. Planning Intention**

The planning intention of “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, education and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only development that are needed to support conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

## 8. Comments from Relevant Government Departments

8.1 The following government departments have been consulted and their views on the application and public comments received are summarised as follows:

### Land Administration

8.1.1 Comments of District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no comment on the application;
- (b) the Site is located at unallocated Government land and falls within Slope Feature No. 12SW-A/C96 maintained by Highways Department and clearance limit of the project “Port Shelter Sewerage Stage 3, Sewerage Works at Po Toi O”; and
- (c) if planning permission is given, Drainage Services Department should apply to her office for a Government Land Allocation (GLA) for the proposed STP and Food and Environmental Hygiene Department (FEHD) should apply to her office a GLA for the proposed relocated RCP.

### Traffic

8.1.2 Comments of Commissioner for Transport (C for T) :

no in-principle objection to the application subject to the following condition:

the design and provision of temporary traffic arrangement during construction to the satisfaction of C for T or of the Board.

### Environment

8.1.3 Comments of Director of Environmental Protection (DEP):

- (a) the proposed STP is a Designated Project (DP) under the Environmental Impact Assessment (EIA) to assess the environmental impact of the project and the EIA was approved on 27.1.2017. An Environmental Permit No. EP-516/2016 (EP) was issued to the applicant on the same date for construction and operation of the project; and
- (b) the proposed STP under the current application is the same as that in the approved EIA. It is noted in Section 5.1.1 of the Planning Study Report (**Appendix Ia**) that the applicant has committed to implement the mitigation measures recommended in the approved EIA report and comply with the conditions of the EP, he has no objection to the application.

### Urban Design and Visual

#### 8.1.4 Comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) it is noted that the proposed development is part of a DP under the Environmental Impact Assessment Ordinance (EIAO) that an EIA Report including Landscape and Visual Impact Assessment (LVIA) was approved with EP No. EP-516/2016 granted on 27.1.2017; and
- (b) in the current submission, the findings and the conclusion of the EIA Report that the overall visual impact of the proposed development is acceptable with mitigation during the construction and operation phases have been incorporated in the revised section 5 of the Planning Study Report (**Appendix Ia**). Given the above, it is anticipated that the proposed development would not induce significant visual impact.

### Landscape

#### 8.1.5 Comments of CTP/UD&L, PlanD:

- (a) with reference to the planning statement, the Site is located on a rock slope with some existing trees and groundcovers. The proposed public utility installation involves site formation and vegetation removal, meaning some impact on existing landscape within “CA” zone is anticipated. Nevertheless, landscape mitigation measures such as compensatory plantings are proposed in Figure 10.20, which has been reviewed under EIAO regime with LVIA in the EIA of “Port Shelter Sewerage, Stage 3 – Sewerage Works at Po Toi O”. The EP No. EP-516/2016 was granted and the submission of detailed landscape plan supervised by the Environmental Team will be further reviewed under EIAO regime. After appropriate landscape mitigation measures being implemented, the residual impact on landscape will be reduced to an acceptable level. Therefore, she has no objection to the application from the landscape planning point of view; and
- (b) should the application be approved, a planning condition requiring the applicant to submit and implement a landscape and tree preservation proposal to the satisfaction of Director of Planning or of the Board is recommended.

### Fire Safety

#### 8.1.6 Comments of Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of D of FS. EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and

- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### Water Supply

- 8.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):
- (a) no comment on the application; and
  - (b) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### Geotechnical

- 8.1.8 Comments of Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):
- (a) no objection to the application subject to the following condition:
    - the submission of a Natural Terrain Hazard Study (NTHS) and implementation of the necessary geotechnical remedial works recommended therein to the satisfaction of H(GEO), CEDD or of the Board; and
  - (b) the applicant is reminded that a slope stability analysis for Feature No. 12SW-C/F33 shall be carried out to support the proposed development and the Hillside Pocket setting of the concerned catchment should be addressed in the NTHS.

### Electrical Safety

- 8.1.9 Comments of Director of Electrical and Mechanical Services (DEMS):
- (a) no comment on the application from electricity supply safety aspect; and
  - (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

## Public Hygiene

### 8.1.10 Comments of Director of Food and Environmental Hygiene (DFEH):

- (a) no comment on the application subject to the following condition:

the design and provision of a refuse collection point to the satisfaction of the DFEH or of the Board; and

- (b) the existing Aluminum-type RCP would be affected. Therefore, timely reprovisioning of the affected RCP in the vicinity well before its demolition is essential without any interruption. The applicant should provide all the necessary resources and funding for the said reprovisioning and the design of the new RCP to the satisfaction of DFEH.

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Project Manager (East), Civil Engineering and Development Department;
- (c) Director of Leisure and Cultural Services;
- (d) Chief Highway Engineer/NT East, Highways Department;
- (e) District Officer/Sai Kung, Home Affairs Department;
- (f) Chief Engineer (Works), Home Affairs Department; and
- (g) Chief Engineer/Mainland South, Drainage Services Department.

## **9. Public Comments Received During Statutory Publication Period**

The application and the FIs received on 23.2.2018 and 27.2.2018 were published for public inspection on 1.12.2017 and 6.3.2018 respectively. During the statutory public inspection periods, two public comments were received (**Appendix II**). A member of the Sai Kung District Council supports the application. An individual of the public expresses her concerns on whether the “CA” zone is suitable for the proposed development and whether the approval of the application would encourage other developments in the area.

## **10. Planning Considerations and Assessments**

10.1 The application is to seek planning permission for proposed development of a STP and underground sewers and associated excavation of land at the Site zoned “CA” on the approved Clear Water Bay Peninsula South OZP. The existing RCP and on-street car parks to be affected will be reprovided. The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, education and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. The proposed development forms part of the proposed sewerage system for treatment of sewage



generated from village houses in Po Toi O. It is an essential facility to improve the water quality in the area. The applicant has demonstrated that the Site is the only feasible site amongst four possible sites for development with local support and minimal impacts (**Drawing A-10**).

- 10.2 The Site is located at the periphery of the “CA” zone abutting Po Toi O Chuen Road. It is currently occupied by a slope feature covered with some common trees and shrubs. The surrounding areas are mainly rural in character with vegetated slopes and village houses/temporary structures in Po Toi O. The proposed STP with BH of 1 storey above ground and 2-storey basement is considered not incompatible with the rural character of the surrounding areas. With mitigation measures including appropriate building materials, colours and sensitive design proposed in the LVIA being incorporated, CTP/UD&L considers that no significant visual impact from the proposed development is anticipated.
- 10.3 The proposed development would involve slope modification/ retaining works to accommodate the basement of the STP and felling of 4 existing common trees. The applicant indicates in the LIVA that compensatory trees will be planted and landscape mitigation measures are proposed including proper construction/work area and time, greening measures with tree/shrub planting and vertical greening. CTP/UD&L advises that after appropriate landscape mitigation measures being implemented, the residual impact on landscape will be reduced to an acceptable level. She has no objection to the application from landscape planning point of view. CTP/UD&L also advises that mitigation measures proposed in the application has been reviewed in the EIA for the relevant government sewerage project “Port Shelter Sewerage Stage 3, Sewerage Works at Po Toi O” and EP was granted under the EIAO. The submission of a detailed landscape plan will be further reviewed under the EIAO regime.
- 10.4 The applicant has conducted technical assessments to demonstrate that no adverse environment, drainage, water supply, geotechnical and traffic impacts would be induced on the surrounding areas. The existing RCP and on street car parks and disabled car park will be reprovided in the proposed development. Relevant government departments consulted including DEP, CE/MS of DSD, H(GEO) of CEDD, DEMS, C for T and DFEH have no adverse comment on/objection to the application.
- 10.5 The public comment supporting the application is noted. Regarding the public comments with concern on the planning intention and the possible adverse impacts, the planning assessments in paragraphs 10.1 to 10.4 are relevant.

## **11. Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10 and having taking into account public comments in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.4.2022, 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 conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the design and provision of temporary traffic arrangements during construction to the satisfaction of Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of Director of Fire Services or of the Town Planning Board;
- (d) the submission of a Natural Terrain Hazard Study and implementation of the necessary geotechnical remedial works recommended therein to the satisfaction of Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board; and
- (e) the design and provision of a refuse collection point to the satisfaction of Director of Food and Environmental Hygiene or of the Town Planning Board.

Advisory Clauses

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

11.3 There is no strong reason to recommend rejection of the application.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application form dated 23.11.2017
<b>Appendix Ia</b>	Planning Study Report
<b>Appendix Ib</b>	FI submitted by the applicant on 8.12.2017
<b>Appendix Ic</b>	FI submitted by the applicant on 23.2.2018
<b>Appendix Id</b>	FI submitted by the applicant on 27.2.2018
<b>Appendix Ie</b>	FI submitted by the applicant on 22.3.2018
<b>Appendix II</b>	Public comments
<b>Appendix III</b>	Advisory clauses
<b>Drawing A-1</b>	Master Layout plan submitted by the applicant
<b>Drawing A-2</b>	Ground Floor Layout Plan submitted by the applicant

<b>Drawings A-3 &amp; A-4</b>	Basement Floor Layout Plan submitted by the applicant
<b>Drawings A-5 &amp; A-6</b>	Section Plans submitted by the applicant
<b>Drawing A-7</b>	Tree Survey Plan submitted by the applicant
<b>Drawing A-8</b>	Compensatory Trees Plan submitted by the applicant
<b>Drawing A-9</b>	Landscape and Visual Mitigation Plan submitted by the applicant
<b>Drawing A-10</b>	Location Studied for the Proposed Sewage Treatment Plant submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
APRIL 2018**