

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

**APPLICATION NO. A/SK-CWBS/35**

- 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 1,412m<sup>2</sup>
- Land Status** : Government Land
- Plan** : Approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP)  
No. S/SK-CWBS/2
- Zoning** : “Coastal Protection Area” (96%) and “Conservation Area” (4%)
- Application** : Proposed Public Utility Installation (Underground Sewers) and  
Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground sewers) and associated land excavation at the application sites (the Sites). The entire underground sewers system, falling within an area zoned “Village Type Development” (“V”), “Coastal Protection Area” (“CPA”) and “Conservation Area” (“CA”), and an area shown as ‘Road’ on the approved Clear Water Bay Peninsula South Outline Zoning Plan (OZP) No. S/SK-CWBS/2 (**Plan A-1**), forms part of the Sewerage at Port Shelter and will connect to the planned Po Toi O Sewerage Treatment Plant which is a subject of a previous planning application No. A/SK-CWBS/26 submitted by the same applicant and approved with conditions by the Rural and New Town Planning Committee (the Committee) on 20.4.2018 (**Plan A-2**). According to covering Notes of the OZP, the provision of public utility pipeline are always permitted on land falling within the boundaries of the OZP except areas zoned “CA” or “CPA”. Provision of ‘public utility pipeline’ and excavation of land within “CPA” and “CA” zones require planning permission from the Town Planning Board (the Board).
- 1.2 The Sites (i.e. the three concerned areas of the underground sewers system falling within the “CPA” and “CA” zones) have a total area of about 1,412m<sup>2</sup>. Sites A & B (within “CPA” zone) are about 1,227m<sup>2</sup> and 139m<sup>2</sup> respectively while Site C (within “CA” zone) is about 46m<sup>2</sup> (**Plan A-2**). All three sites include the areas for the proposed underground sewers and works areas. The entire underground sewers system covers about 800m of gravity sewers and 450m of effluent pipe in total length

while the proposed underground sewers within the Sites involve gravity sewers of about 120m and effluent pipe of about 100m, and excavation of land up to 2-3m in depth. A pit of about 25m<sup>2</sup> within Site B will be constructed temporarily for the construction of the submarine outfall. The excavation of land for the pit is about 3m. The total excavation area is about 180m<sup>2</sup>. The pit will be reinstated and the proposed underground sewer will be backfilled after the construction. Details of the proposed underground sewers and pit are at **Drawing A-1**.

- 1.3 According to the applicant's submission, the underground sewers are mainly located on footpaths. Additional area has been included within Site B up to the high water mark to allow more flexibility for the construction of the submarine outfall to be connected to the proposed underground sewers. For Site C within "CA" area, encroachment onto the vegetation nearby would be avoided. An Environmental Impact Assessment (EIA) and a Drainage Impact Assessment (DIA) have been conducted to assess the potential impacts arising from the proposed underground sewers (**Appendix Ia**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form dated 7.9.2020 (**Appendix I**)
  - (b) Planning Study Report, Excerpts of EIA and Excerpts of DIA (**Appendix Ia**)
  - (c) Further Information dated 29.10.2020 providing clarification on background information (accepted and exempted from publication and recounting requirements) (**Appendix Ib**)

## **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:

- (i) as a long-term measure to address the water pollution problem in the district, it is recommended to extend the existing sewerage networks to collect and convey sewage from the unsewered area in Port Shelter to existing sewage treatment works nearby for proper treatment and disposal. The proposed sewerage system at Po Toi O forms part of Port Shelter Sewerage, which aims to address the water pollution problem in Port Shelter and to improve the sanitary condition in the unsewered areas;
- (ii) the Sites are on government land, therefore, no insurmountable constraint on land ownership is envisaged for the underground sewers. As the Sites have a distance from village houses area, impact to the adjoining existing and potential village houses development would be avoided;
- (iii) the construction of the proposed underground sewers would not cause any significant change to the existing condition of the road, footpath and access. The proposed underground sewers are considered not incompatible with the surrounding character;
- (iv) the potential environmental impact due to the construction of the underground sewers have been assessed. With the implementation of mitigation measures and good site practices proposed in the EIA, no unacceptable environmental impact (including air quality, noise, water quality, ecology, waste management and landscape & visual) is anticipated;

- (v) the proposed underground sewers will be located on the existing footpaths. There would be no significant increase in the paved area due to the reinstatement to the existing condition after laying the proposed underground sewers at the Sites. Therefore, no adverse drainage impact and traffic impact on the nearby road networks is anticipated. Besides, no water demand is required for the proposed underground sewers, so there would be no water supply impact; and
- (vi) 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 Sites involve 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 Sites.

### **5. Similar Application**

There is no similar application within the same “CPA” and “CA” zones on the OZP.

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

#### 6.1 The Sites:

- (a) Site A: is located along existing paved footpath and abuts Po Toi O Chuen Road;
- (b) Site B: forms part of the beach with pebbles, boulders and vegetation and is accessible by a local track; and
- (c) Site C: is located at the edge of the natural slope connecting to a paved path to the House No. 12 of Fairway Vista.

#### 6.2 The surrounding areas have the following characteristics:

- (a) Site A: to the southeast is the proposed Po Toi O Sewerage Treatment Plant, and to the north is the village cluster of Po Toi O;
- (b) Site B: to the north is the coastal area of Po Toi O, and to the southwest and southeast are the village clusters of Po Toi O; and
- (c) Site C: to the north is the coastal area of Po Toi O, to the west and south is the village cluster of Po Toi O, and to the east is densely vegetated natural slope.

## 7. **Planning Intention**

- 7.1 The planning intention of “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. 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.
- 7.2 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 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.

## 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 objection to the application;
  - (b) the Sites are located on Government land. As the proposed works would affect a Short Term Tenancy, Drainage Services Department (DSD) is required to liaise with the relevant party to resolve the interface issue before commencement of works and/or during construction works; and
  - (c) if planning permission is given, DSD should apply to his office for a Temporary Government Land Allocation (GLA) for the proposed works.

### Traffic

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

no in-principle objection to the application from traffic engineering viewpoint.

## Environment

### 8.1.3 Comments of Director of Environmental Protection (DEP):

- (a) no objection to the application;
- (b) the proposed works form part of the Port Shelter Sewerage, Stage 3, which is a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). The applicant completed an EIA for the project and the EIA Report (AEIAR-206/2017) was approved in January 2017. The EIA Report concluded that with proper implementation of mitigation measures, adverse environmental impact is not anticipated. An Environmental Permit (No. EP-516/2016) (EP) was issued to the applicant in January 2017 for construction and operation of the project; and
- (c) it is understood that the proposed works under this application are same as that in the approved EIA. The applicant should implement the mitigation measures recommended in the approved EIA Report and comply with the conditions of the EP.

## Landscape

### 8.1.4 Comments of Chief Town Planner/Urban Design & Landscape, Planning Department:

- (a) no objection to the application from landscape planning perspective;
- (b) with reference to the aerial photo of 2019, the Sites are situated in an area of Coastal Uplands and Hillside landscape character, where dominated by village houses and clustered tree groups adjacent to the coastal area. Site B is located along the coastal area with boulders and existing trees; whilst, Site A and Site C are existing hard-paved footpath and stairs. No significant landscape resources are observed within the Sites. The proposed development for laying underground pipes is considered not incompatible with the landscape setting in proximity; and
- (c) according to the Planning Statement (**Appendix Ia**), it is noted that a landscape impact assessment arising from the proposed development under EIAO regime has been carried out. The EIA report (AEIAR-206/2017) concludes that the overall residual landscape impact of the proposed development will be reduced to an acceptable level after implementation of appropriate landscape mitigation measures. Significant adverse landscape impact arising from the proposed development is not envisaged.

## Water Supply

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

- (a) no objection to the application;

- (b) existing water mains are in close proximity to the proposed works and are likely to be affected. The applicant is required to either divert or protect the water mains found on the Sites;
- (c) if diversion is required, existing water mains inside the Sites are needed to be diverted outside the site boundary of the proposed development to lie in government land. A strip of land of minimum of 1.5 metres in width should be provided for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
- (d) if diversion is required, the following conditions shall apply:
  - (i) existing water main(s) are affected as indicated on the site plan and no development which requires resitting of water main(s) will be allowed;
  - (ii) details of site formation works shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of works;
  - (iii) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s) shown on the plan. Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
  - (iv) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main(s) shown on the plan. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the D of WS. Rigid root barrier may be required if the clear distance between the proposed tree and the pipe is 2.5 metres or less, and the barrier must extend below the invert level of the pipe;
  - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
  - (vi) tree planting may be prohibited in the event that the D of WS considers that there is any likelihood of damage being caused to water main(s).

#### District Officer's Comments

##### 8.1.6 Comments of the District Officer/Sai Kung, Home Affairs Department;

- (a) no comment on the application; and

- (b) please be reminded that the subject area is a fish culture zone which is coastal environmentally sensitive. Although the village representative welcome the underground sewerage project, the nuisance and pollution shall be minimised during the works period.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Project Manager (East), Civil Engineering and Development Department;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (e) Chief Highway Engineer/NT East, Highways Department;
- (f) Director of Electrical and Mechanical Services
- (g) Chief Engineer (Works), Home Affairs Department; and
- (h) Director of Fire Services.

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

On 15.9.2020, the application was published for public inspection. During the statutory public inspection period which ended on 6.10.2020, two public comments were received from World Wide Fund for Nature Hong Kong and an individual expressing their concerns on the extent of the proposed works and the possible environmental impacts on the water quality from the proposed works (**Appendix II**).

## **10 Planning Considerations and Assessments**

10.1 The application is to seek planning permission for proposed underground sewers and associated excavation of land at the Sites zoned “CPA” (Sites A & B) and “CA” (Site C) on the approved Clear Water Bay Peninsula South OZP. The planning intention of “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. 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 “CPA” and “CA” zones. 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 sections of underground sewers within the Sites form parts of the sewerage system for treatment of sewage generated from the village houses in Po Toi O (**Drawing A-1**). The entire underground sewers system will pass through the village clusters in Po Toi O. The installation of the proposed underground sewers at the Sites are inevitable in order to link up the underground sewers system from the two “V” zones to connect to the planned Po Toi O Sewerage Treatment Plan (**Plan A-2**). It is an essential facility to improve the water quality in the area.

- 10.2 Site A and Site B, located within the “CPA” zone, are currently occupied by paved footpaths and beach with pebbles, boulders and vegetation at the Po Toi O coastal area. As indicated by the applicant, the underground sewers are mainly located on footpath. Additional area has been included within Site B up to the high water mark to allow more flexibility for the construction of the submarine outfall to be connected to the proposed underground sewers. Site C, located at the periphery of the “CA” zone, is occupied by a paved path along the edge of the natural slope abutting a village house. Encroachment onto the vegetation nearby would be avoided. No significant landscape resources are observed within the Sites. CTP/UD&L has no objection to the application from landscape planning perspective and advises that the proposed development for laying underground pipes is considered not incompatible with the landscape setting in the proximity.
- 10.3 The applicant indicates that EIA and DIA have been conducted. DEP has no objection to the application and advises that adverse environmental impact is not anticipated with proper implementation of mitigation measures. CE/MS, DSD has no comment on the application from drainage viewpoint. Other relevant government departments consulted have no adverse comment on/objection to the application.
- 10.4 The applicant indicates that the District Council and Village Representatives have been consulted that the proposed underground sewers are supported by the local community. Regarding the public comments with concern on possible adverse impacts, the planning assessments in paragraphs 10.1 to 10.3 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 6.11.2024, and after the said sate, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following advisory clauses are suggested for Members’ reference:

### 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 date when the validity of the permission should expire.



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 7.9.2020
<b>Appendix Ia</b>	Planning Study Report
<b>Appendix Ib</b>	Further Information received on 30.10.2020
<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>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4e</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**