

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TKO/115

- Applicant** : Drainage Services Department (DSD), the Government of the HKSAR
- Site** : Government Land in D.D.248, Au Tau, Sai Kung
- Site Area** : About 321 m²
- Land Status** : Government Land
- Plan** : Approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/26
(It was draft Tseung Kwan O OZP No. S/TKO/25 at the time of submission)
and Approved Tseng Lan Shue OZP No. S/SK-TLS/8
- Zoning** : “Green Belt”
- Application** : Proposed Public Utility Installation (Sewage Pumping Station) and
Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (sewage pumping station) at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “Green Belt” (“GB”) on the approved Tseung Kwan O OZP and the approved Tseng Lan Shue OZP. The proposed development comprises a single-storey building with one basement level. The proposed gross floor area (GFA) is about 98m² and building height above ground level is 4.62m. Excavation of land up to a maximum 7.28m would be involved to accommodate the wet well, valve chamber and deodorization unit underground. According to the Notes of the two OZPs, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Notes of the Tseng Lan Shue OZP also stipulate that planning permission is required for excavation of land within the “GB” zone.
- 1.2 The floor plans, section plans, elevation plans, photomontages, tree compensatory plan, site selection plan and swept path analysis plans submitted by the applicant are at **Drawings A-1 to A-11**.
- 1.3 The applicant indicates that four possible sites have been studied for the proposed sewage pumping station (**Drawing A-10**). Amongst these four possible sites, three sites are considered not suitable due to adverse environmental impacts, engineering difficulties and local objection. The Site is considered technically

feasible for the construction of sewage pumping station with minimal ecological impacts, noise and odour pollution to the village houses nearby and is supported by Village Representatives of Tseng Lan Shue (Sun Tei Village and Au Tau).

- 1.4 According to the tree survey conducted by the applicant, 35 existing trees will be felled. To achieve a 1:1 tree compensation ratio, 9 trees are proposed to be planted at the Site and 26 trees are proposed to be planted offsite (**Drawing A-9**).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form dated 3.10.2018 (**Appendix I**)
 - (b) Planning Statement (**Appendix Ia**)
 - (c) Further Information (FI) received on 14.1.2019 providing responses to public and departmental comments, an Environmental Study Report, a tree felling and compensatory planting report, a site selection summary and clarification to the planning statement (not exempted from publication) (**Appendix Ib**)
 - (d) FI received on 25.1.2019 providing replacement pages to the Environmental Study Report (exempted from publication) (**Appendix Ic**)
 - (e) FI received on 15.2.2019 providing responses to departmental comments (exempted from publication) (**Appendix Id**)
 - (f) FI received on 22.2.2019 providing responses to departmental comments (exempted from publication) (**Appendix Ie**)
 - (g) FI received on 27.2.2019 providing responses to departmental comments (exempted from publication) (**Appendix If**)
 - (h) FI received on 1.3.2019 providing revised section plans (exempted from publication) (**Appendix Ig**)
- 1.6 On 16.11.2018, 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 14.1.2019, 25.1.2019, 15.2.2019, 22.2.2019, 27.2.2019 and 1.3.2019, the applicant submitted FIs as detailed in paragraph 1.5 above. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

- 2.1 The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarised as follows:
- (a) The proposed sewage pumping station is part of the proposed works under the “Tseung Kwan O Village Sewerage for Villages Project” (the Project) which covers 10 villages/areas in Tseung Kwan O. Upon completion of the proposed sewerage works under the Project, water quality problem at the unsewered areas in Tseung Kwan O would be alleviated.

- (b) Au Tau and Sun Tei Village are located in a relatively low-lying area. It is necessary to construct a sewage pumping station to transfer sewage from these villages to the proposed sewerage system at Tseng Lan Shue, which will further convey the sewage to Sai Kung Sewage Treatment Works for treatment and disposal.
- (c) The Site is a piece of vacant unallocated government land at a low topographical level, which could facilitate effective collection of sewage by gravity.
- (d) The Site is the only site which is large enough to accommodate the sewage pumping station and its ancillary facilities. Amongst four possible sites, the Site is considered to be the most suitable for the proposed development with minimal environmental impacts, engineering difficulties and disturbance to the surrounding villages.
- (e) The proposed sewage pumping station will fully comply with relevant environmental standards and guidelines promulgated by the Environmental Protection Department (EPD). Effective mitigation measures for minimizing the noise and odour will be properly implemented and maintained, e.g. pumps installed within concrete chamber several meters below ground to reduce noise generation, deodorization equipment to eliminate any odour emission.
- (f) The proposed sewage pumping station is a low-rise structure. There is no concern of blockage of scenic views such as sea view or views of landmark features. Visual mitigation measures such as greening/landscaping, use of wood cladding to screen external staircase, metal plate with rusty finish for the entrance gate are proposed. The visual impacts associated with the proposed development will be minimal.
- (g) A verification survey to update the ecological baseline information was conducted and no species of conservation importance were recorded within the Site.
- (h) One loading and unloading parking space is proposed within the Site and the potential traffic impact will be minimal. The pumping station is unmanned and with low frequency of access (estimated once per week) by maintenance vehicle. Low traffic flow is anticipated during the construction stage and the operation of the sewage pumping station.
- (i) The proposed sewage pumping station will slightly increase the paved area and surface runoff generated. However, result of the drainage impact is not significant. No local drainage impact will likely occur during the construction and operation of the proposed sewage pumping station.
- (j) The Hang Hau Rural Committee, the Housing and Environmental Hygiene Committee of the Sai Kung District Council and the Village Representatives of Tseng Lan Shue (Sun Tei Village and Au Tau) have been consulted and they agree with the proposed location.

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) is not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (the TPB Guidelines) are relevant to this application. The TPB Guidelines are attached in **Appendix II**. The relevant assessment criteria are summarised as follows:

- (a) there is a general presumption against development in “GB” zone;
- (b) application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) applications for GIC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area; and
- (f) the proposed development should not itself be the source of pollution.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is a similar application (No. A/SK-TLS/50) for proposed public utility installation (package substation) within the “GB” zone on the approved Tseng Lan Shue OZP. This application was approved with condition by the Committee on 13.10.2017 mainly on the grounds that the proposed development is essential for providing stable and reliable electricity supply to meet the demand in Tseng Lan Shue; no alternative site is available; the proposed utility installation is small in scale and not incompatible with the surrounding environment; and no adverse ecological, geotechnical, drainage, landscape and visual impacts are anticipated. Details of the similar application are set out in **Appendix III**

and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) vacant and located in a low-lying area covered with trees and shrubs; and
- (b) abutting and accessible via an access track along Wilson Trail connecting Au Tau to Tsui Lam Road.

7.2 The surrounding areas has the following characteristics:

- (c) about 15m to the southwest across Wilson Trail are some existing small houses within the “Village Type Development” (“V”) zone;
- (d) to the futher northwest is the village settlement at Au Tau within the “V” zone;
- (e) to the further northeast is agricultural use at Tai Ngau Wu; and
- (f) to its immediate north, east and south are vegetated area within the “GB” zone.

8. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

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/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) he has no comment on the application;
- (b) the proposed public utility installation (sewage pumping station) falls within unleased and unallocated government land; and
- (c) in the event that the subject application is approved by the Board,

the applicant is required to apply to LandsD for a Permanent Government Land Allocation. However, there is no guarantee that such application will be approved and if approved by LandsD, it will be subject to such engineering conditions as may be imposed by LandsD.

Environment

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

- (a) he has no objection to the application;
- (b) based on the Environmental Study (ES) report and revised pages of ES provided as further information to support the application, it is expected that with the implementation of the design/environmental mitigation measures committed by the applicant in the ES report including those measures highlighted below, the subject sewage pumping station would unlikely cause adverse environmental impacts;
- (c) on operational noise impact, the sewage pumping station will be carefully designed during the detailed design stage including enclosing all the submersible pumps inside the building structure, installation of acoustic louvers/filters at the opening of the roof extraction fan and provision of a 1-1.5m high parapet wall around the roof boundary wall to ensure that the noise levels at the noise sensitive receivers will meet the relevant Hong Kong Planning Standards and Guidelines noise criteria;
- (d) to minimize the potential odour problem of the sewage pumping station, the inlet chamber, screen chamber, wet well, sludge holding tank will be located underground with proper enclosure and a deodourization unit (with odour removal efficiency of 99.5%) with a forced ventilation system and using activated carbon will be installed at the exhaust outlet to remove odour;
- (e) to avoid the occurrence of sewerage bypass/overflow to nearby water sensitive receivers, standby pumps and screens and back up power supply will be provided and a contingency plan will also be prepared to deal with the emergency discharges; and
- (f) for short-term environmental impacts during construction of sewage pumping station, environmental mitigation measures are also recommended in the ES report to control noise, dust and site run-off nuisances to within the established standards and guidelines. These include the use of silencers, mufflers, acoustic lining or shields for noisy construction activities, frequent cleaning and watering of the site, and the provision of wheel-washing facilities.

Urban Design and Landscape Aspects

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

Urban Design and Visual Aspects

- (a) the applicant has listed the proposed mitigation measures including, inter alia, the screening of the external staircase with wood cladding, and the treatment of utilities on the façade and roof in the responses to comments. These measures, together with the viewpoint locations have also been indicated in Figures 5 and 6 of the FI (**Appendix Ib**);
- (b) with the proposed mitigation measures implemented, significant adverse visual impact arising from the proposed development is not anticipated. The applicant may wish to explore additional measures including but not limited to vertical or buffer greening and green roof in addition to the brown roof with weeds as presented in the application, to add some visual interest to the building façade and fence wall;

Landscape Planning Aspect

- (c) she has no objection to the application from the landscape planning perspective; and
- (d) approval of the landscape proposal does not imply the approval of any kind of tree works (such as felling/transplanting/pruning) under lease/land grant. Tree works applications should be submitted direct to LandsD for approval.

Nature Conservation

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

It is noted that the Site is an area of 321m² mainly covered with common young trees and shrubs. According to the ES undertaken by DSD, the Site is of low ecological value and no species of conservation importance would be affected. Felling of 35 trees would be required and compensatory tree planting would be arranged. In view of the above, he has no strong view on the application.

Fire Safety

9.1.5 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 and water supplies for firefighting being

provided to the satisfaction of his Department. 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 requirement will be formulated upon receipt of formal submission of general building plans.

Water Supply

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

- (a) he has no objection to the application;
- (b) existing water main(s) are affected (**Plan A-2**) and no development which requires resiting of water main(s) will be allowed;
- (c) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
- (d) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (e) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- (f) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- (g) tree planting may be prohibited in the event that the DWS considers that there is any likelihood of damage being caused to water main(s).

Electrical Safety

9.1.7 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no particular 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 mentioned application should approach the electricity supplier (i.e. CLP) for 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.

District Officer’s Comments

9.1.8 Comments of the District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD):

- (a) he has no comment on the application; and
- (b) he has already consulted Chairman of the Hang Hau Rural Committee, Chairman of the Sai Kung Area Committee, Sai Kung District Committee member of the related constituency (Hang Hau West) and the Village Representatives of Tseng Lan Shue. All of them have no comment on the application.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD); and
- (d) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD).

10. Public Comments Received During Statutory Publication Period

The application and the FI received on 14.1.2019 were published for public inspection on 9.10.2018 and 22.1.2019 respectively. During the statutory public inspection periods, a total of four public comments were received (**Appendix IV**). The World Wide Fund for Nature Hong Kong and the Hong Kong Bird Watching Society object to the application mainly on the grounds of not in line with the planning intention of the “GB” zone, setting an undesirable precedent to future development within the “GB” zone, limited justifications for site selection and inadequate environmental assessment. Regarding the other two public comments from individuals, one indicates that prior consent from village representatives and residents of nearby villages should be obtained, and the other expresses the view of developing Tseung Kwan O Area 137 which is irrelevant to the application.

11. Planning Considerations and Assessments

- 11.1 The application seeks planning permission for a proposed public utility installation (sewage pumping station) and excavation of land within an area zoned “GB” on the approved Tseung Kwan O OZP and the approved Tseng Lan Shue OZP. The planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. While the proposed sewage pumping station is not entirely in line with the planning intention of the “GB” zone, the proposed development is an essential part of the “Tseung Kwan O Villages Sewerage for Villages Project”. The proposed development is a public facility to collect sewage generated from Au Tau and Sun Tei Village and convey to the proposed Tseng Lan Shue sewerage system and subsequently to the Sai Kung Sewage Treatment Works. It will alleviate the water pollution problem and bring environmental improvement to the area. As such, the application warrants exceptional consideration.
- 11.2 A comprehensive site search exercise for the proposed sewage pumping station has been conducted by the applicant (**Appendix Ib**). Having considered the technical constraints, the availability of government land, topographical feature of the area, location of existing utilities and local views for the four possible sites (**Drawing A-10**), the applicant concluded that the other three sites (Sites 2, 3 and 4) are not suitable for development mainly due to large extent of tree felling involved, the relatively close distance to the surrounding village houses, the relatively high topographic level and local objection. The Site is therefore considered to be the only site suitable to develop the sewage pumping station. The proposed development complies with the requirements stipulated in TPB Guidelines TPG-PG No.10 as the proposed sewage pumping station is essential and no alternative sites are available.
- 11.3 The Site is located at the periphery of the “GB” zone. It is currently occupied by trees and shrubs. The proposed sewage pumping station is small in scale with a GFA of about 98m² and building height of one storey above ground level. It is considered not incompatible with the surrounding areas occupied by clusters of village houses and trees/shrubs. With mitigation measures such as the screening of the external staircase with wood cladding, and the treatment of utilities on the façade and roof to blend in with the rural setting (**Drawings A-6 and A-7**), CTP/UD&L, PlanD advises that no significant adverse visual impact from the proposed development is anticipated. The proposed development would involve the felling of 35 existing common trees. To achieve a 1:1 tree compensation ratio, 9 trees are proposed to be planted at the Site and 26 trees are proposed to be planted offsite. CTP/UD&L of PlanD has no objection to the proposal from landscape planning perspective.
- 11.4 The applicant has conducted technical assessments to demonstrate that no adverse impacts on environmental, ecological, drainage, geotechnical and traffic aspects would be generated by the proposed sewage pumping station. Relevant government departments consulted including DAFC, DEP, H(GEO) of CEDD and C for T have no objection to/adverse comment on the application.
- 11.5 The Committee has approved a similar application (No. A/SK-TLS/50) for proposed public utility installation (package substation) within the “GB” zone on the Tseng Lan

Shue OZP, which was approved on grounds that the proposed development is essential for providing stable and reliable electricity supply to meet the demand in Tseng Lan Shue; no alternative site is available; the proposed utility installation is small in scale and not incompatible with the surrounding environment; and no adverse ecological, geotechnical, drainage, landscape and visual impacts are anticipated.

- 11.6 For the public comments with concerns on the planning intention, possible adverse impacts on the environment and site selection, the planning assessment in paragraphs 11.1 to 11.4 are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11, and having taking into account public comments in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, the permission shall be valid until 8.3.2023, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval condition

the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;

Advisory clauses

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

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

the proposed development is not in line with the planning intention of the "GB" zoning for the area which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

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 date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form dated 3.10.2018
Appendix Ia	Planning Statement
Appendix Ib	FI received on 14.1.2019
Appendix Ic	FI received on 25.1.2019
Appendix Id	FI received on 15.2.2019
Appendix Ie	FI received on 22.2.2019
Appendix If	FI received on 27.2.2019
Appendix Ig	FI received on 1.3.2019
Appendix II	Town Planning Board Guidelines TPB-PG No. 10 for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance
Appendix III	Similar Application for Public Utility Installation Use
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Drawings A-2 and A-3	Floor Plans
Drawings A-4 and A-5	Section Plans
Drawings A-6 and A-7	Photomontages
Drawing A-8	Elevation Plan
Drawing A-9	Tree Compensatory Plan
Drawing A-10	Site Selection
Drawing A-11	Swept Path Analysis Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2019**