

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/38

<u>Applicant</u>	:	Drainage Services Department (DSD), the Government of the HKSAR
<u>Site</u>	:	Government Land in D.D. 82, Ping Che Road, Tong Fong, Ta Kwu Ling, New Territories
<u>Site Area</u>	:	765.8 m ² (about)
<u>Land Status</u>	:	Government Land
<u>Plan</u>	:	Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zoning</u>	:	“Recreation” (“REC”)
<u>Application</u>	:	Proposed Public Utility Installation (Sewage Pumping Station)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed public utility installation (sewage pumping station (SPS)) at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “REC” on the approved Ta Kwu Ling North OZP No. S/NE-TKLN/2. According to the Notes of the OZP, ‘public utility installation’ is a Column 2 use in “REC” zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposed SPS is to replace an existing SPS at the western portion of the Site as part of the proposed upgrading works under the project namely “PWP Item No. 4409DS – North East New Territories (NENT) Sewerage System Upgrade” to address the increasing sewage flow due to population growth and planned developments in Ping Che and surrounding areas. The proposed development, to be known as Ping Che Road Tong Fong SPS (TFSPS), is accessible from Ping Che Road (**Plan A-2a**). It comprises one single-storey structure to house control panel, deodourization equipment, inlet chamber, pump well and other ancillary equipment for operation of the pumping equipment. The proposed gross floor area is about 247.5 m² and building height of 6.5 m above ground level (**Drawings A-1 and A-2**). To allow sufficient construction working space and effective operation of the SPS, a section of the concrete channel of Ping Yuen River will be replaced by a drainage box culvert (3.5 m (W) x 3 m (H)). Part of the Site is currently occupied by an SPS (**Plan A-4a**) and that SPS will be demolished upon commissioning of the new TFSPS.

- 1.3 According to the applicant, one existing tree (*Microcos nervosa* 破布葉) will need to be felled. To compensate for the loss of that tree, one compensatory tree (*Sterculia lanceolata* 假蘋婆) is proposed on Site (**Drawings A-6 to A-7**). To mitigate visual impact, adoption of green roof, provision of buffer planting and vertical greening are proposed for the development (**Drawings A-8 to A-13**). A 2.5 m high boundary wall of artificial timber fins and hollow concrete blocks is also proposed at the periphery of the Site (**Drawing A-10**). In order to avoid affecting the traffic on Ping Che Road, the uncovered area of the Site would also be used for occasional parking of maintenance vehicles with sufficient vehicle manoeuvring space.
- 1.4 The layout plan, section plan, catchment plan, landscape plan, photomontages and planting plans are at **Drawings A-1 to A-13**.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 11.1.2021 (**Appendix I**)
 - (b) Supplementary Planning Statement received on 11.1.2021 (**Appendix Ia**)
 - (c) Further Information (FI) received on 19.2.2021[^] (**Appendix Ib**)
^accepted and exempted from publication

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) the proposed SPS is part of the proposed works under the project namely “PWP Item No. 4409DS – North East New Territories (NENT) Sewerage System Upgrade” which aims to address the water pollution problem in NENT and improve the sanitary conditions. It will serve Ping Che area and nearby villages such as Kan Tau Wai and Tong Fong (**Plan A-1**). The proposed TFSPS is an essential facility to collect and convey sewage in the area via the proposed sewerage network along Ping Che Road, Lin Ma Hang Road and Man Kam To Road to the Shek Wu Hui Sewage Treatment Works (SWHSTW) ultimately for treatment and disposal (**Drawing A-5**). The existing NENT sewerage system, including the existing TFSPS commissioned in 1993 with installed capacity of 540 m³/day in Average Dry Weather Flow (ADWF), could not provide sufficient capacity to cope with the future demand. The proposed development, with 6,092 m³/day in ADWF, will alleviate the water pollution problem and bring environmental improvement to the area;
- (b) the proposed SPS would have no adverse air quality, noise, water quality, ecological, landscape, visual, traffic, local drainage, sewerage, geotechnical and land contamination impacts. Short-term impacts on noise, dust and site run-off during the construction phase will be controlled through implementation of mitigations measures within established standards. To mitigate the visual impact, the applicant proposes to adopt green roof and shrubs and trees planting for providing screening for the proposed SPS (**Drawings A-6 to A-12**);
- (c) the choice of suitable sites for accommodating the proposed SPS is heavily constrained by the alignment of the existing sewerage system, the availability of Government land, topographic feature, location of existing utilities and locals’ views. Having comprehensively considered the technical constraints, the applicant considers that the Site is the only piece of suitable Government land of adequate size to develop the SPS in that there is an existing SPS on Site, it is within the sewerage catchment network, the Site is at

a low topographical level for effective sewage collection by gravity and is equipped with a proper maintenance access;

- (d) the proposed sewerage works under the project including the proposed SPS was supported by the District Minor Works and Environmental Improvement Committee (DMWEIC) of North District Council (NDC) and the Ta Kwu Ling District Rural Committee (TKLDRC) in May 2018 and February 2021 respectively. As the existing footpath with 1.2 to 2.8 m wide would not be encroached and the access of the villagers would not be obstructed, the concerns of that incumbent NDC member of the subject constituency about the pedestrian facilities have been addressed and the proposal is supported (**Appendix Ib**); and
- (e) as part of the channelized Ping Yuen River would be decked over, there is a public comment from Kadoorie Farm & Botanic Garden (KFBG) expressing the need to revitalize other parts of the river. The applicant has advised that they have been liaising with KFBG and relevant mitigation measures would be submitted for further consideration and examination at detailed design stage as required under the Environmental Permit (**Appendix Ib**).

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. 31A) is not applicable to the application.

4. Previous Application

There is no previous application for the Site. The existing SPS at the western portion of the Site was in existence since 1993 before the first gazettal of the Development Permission Area Plan covering Ta Kwu Ling North area on 30.7.2010.

5. Similar Application

There is no similar application within the “REC” zone in Ta Kwu Ling North area.

6. The Site and Its Surrounding Areas (Plans A-1, A-2a, aerial photo on Plan A-3 and site photos on Plans A-4a to A-4c)

6.1 The Site is:

- (a) partly occupied by an existing Ping Che Road TFSPS;
- (b) on top of the concrete drainage channel of Ping Yuen River; and
- (c) accessible from Ping Che Road.

6.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character where fallow agricultural land, vacant land, village houses and open storage yards are found;

- (b) bounded by the “Village Type Development” zones of Kan Tau Wai to its north and Tong Fong to its south; and
- (c) to its immediate south is the Ping Yuen River flowing from east to west direction.

7. Planning Intention

The planning intention of the “REC” zone is intended primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- the Site falls on Government land. Should the application be approved, the applicant will need to apply for a Permanent/Temporary Government Land Allocation (PGLA/TGLA) for the construction and operation of the SPS, as appropriate. There is no guarantee that the P/TGLA will be approved by LandsD. The P/TGLA, if approved, will be subject to such terms and conditions as imposed by LandsD as appropriate.

Traffic

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

- (a) he has no in-principle objection to the application from the traffic engineering point of view; and
- (b) the applicant is advised to allow sufficient vehicle manoeuvring space within the Site to meet the operation need of the proposed use without affecting the traffic on the public road.

Environment

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

- (a) he has no objection to the application from environmental point of view;
- (b) the application for the construction and operation of Ping Che Road TFSPS also involves demolition of the existing TFSPS, and construction and operation of a box culvert to replace the existing low flow drainage channel at Ping Yuen River. Construction and operation of the proposed development is a Designated Project (DP) under the Environmental Impact

Assessment Ordinance (EIAO); and

- (c) the applicant has submitted a Project Profile (No. PP-614/2020) for application for permission to apply directly for an Environmental Permit (EP), and the permission was granted with conditions on 4.1.2021. The applicant has demonstrated in the Project Profile that potential environmental impacts are unlikely to be adverse and the mitigation measures described in the Project Profile meet the requirements of the Technical Memorandum on EIA process. The concerned EP was issued in 5.2.2021.

Urban Design and Landscape

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

- (a) she has no objection to the application from urban design, visual and landscape planning perspectives;

Urban Design and Visual

- (b) according to the submission, it is proposed that the Site will be enclosed by a 2.5 m high boundary wall built from artificial timber fins and precast hollow concrete blocks. The Site is located next to the low flow concrete channel of Ping Yuen River. The surrounding of the Site is rural in character, mainly of vegetated land, some farmlands, open storages and village houses of 1 to 3 storeys (**Drawing A-9 and Plan A-3**). In terms of the development scale, it is unlikely to generate adverse visual impacts on the surrounding. Her other advisory comments are at **Appendix III**;

Landscape

- (c) based on the aerial photo of 2020 (**Plan A-3**), the Site covers the existing Ping Che Road TFSPS and sits on top of the low-flow concrete channel of Ping Yuen River. The eastern portion of the Site is a marshland. According to the applicant, a tree of common species, namely *Microcos nervosa* (破布葉) (Diameter at Breast Height (DBH) of around 0.3 m) (**Plan A-2a**), is in direct conflict with the proposed development and proposed to be felled. The Site is located in an area of rural inland plains landscape character that is predominantly a mix of farmlands, vegetated area and village houses with some open storage yards in the vicinity. Having regard that the proposed TFSPS is a replacement of the existing pumping station that is no more than 6.5 m in height, the proposed development is considered not incompatible with the landscape character of the surrounding area;
- (d) according to the submitted Landscape Plan (**Drawings A-6 and A-7**), a new tree is proposed at the northern corner of the Site, with some buffer planting including climber planting on fence and/or shrub planting at-grade generally along the site boundary. Significant adverse landscape impact on existing landscape resources and change in landscape character of the surrounding area arising from the proposed development is not envisaged; and

- (e) in view that no significant adverse landscape impact arising from the proposed works is envisaged, should the application be approved, it is considered not necessary to impose a landscape condition. Her other advisory comments are at **Appendix III**.

Fire Safety

8.1.5 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 (FSIs) being provided to the satisfaction of his department; and
- (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should be also advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans.

Water Supply

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

- (a) he has no objection on the application; and
- (b) existing water mains may be affected (**Plan A-2b**). A waterworks reserve with 1.5 m from the centerline of the water main should be provided to WSD (**Plan A-2b**). His other advisory clauses are at **Appendix III**.

District Officer's Comments

8.1.7 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he has consulted the locals regarding the application. It is noted that the concerns of the incumbent NDC member of the subject constituency on pedestrian facilities along Ping Che Road has been addressed at a consultation meeting with Ta Kwu Ling District Rural Committee (TKLDRC) in February 2021 as detailed in paragraph 2(d) above;
- (b) the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Kan Tau Wai, Tong Fong and Fung Wong Wu and the RR of Lei Uk have no comment on the application; and
- (c) the TKLDRC and the IIR of Lei Uk do not reply to the consultation.

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

- (a) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);

- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD);
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (f) Director of Electrical and Mechanical Services (DEMS);
- (g) Executive Secretary (Antiquities & Monuments), Antiquities & Monuments Office (ES, AMO); and
- (h) Divisional Commander (Ta Kwu Ling Division), Hong Kong Police Force (DVC TKLDIV, HKPF).

9. Public Comment Received During Statutory Publication Period (Appendix II)

On 15.1.2021, the application was published for public inspection. During the statutory public inspection period, three public comments were received. A NDC member indicates no comment on the application. Kadoorie Farm & Botanic Garden and an individual express concerns on the location of the proposed SPS and the need to revitalize other parts of the channelized Ping Yuen River.

10. Planning Considerations and Assessments

- 10.1 The application is for a proposed sewage pumping station (SPS) in an area zoned “REC” on the OZP (**Plan A-1**). The proposed SPS is an essential facility to collect and convey sewage in the area via the proposed sewerage network to Shek Wu Hui Sewage Treatment Works (SWHSTW). While the proposed SPS is not entirely in line with the planning intention of the “REC” zone for low-density recreational developments for the use of the general public, it is of small scale located at the periphery of the “REC” zone with minimal impact to the nearby village settlements.
- 10.2 The proposed SPS is part of the proposed works under the project namely “PWP Item No. 4409DS – North East New Territories (NENT) Sewerage System Upgrade” which aims to address the water pollution problem in NENT and improve the sanitary conditions. The existing NENT sewerage system, including the existing TFSPS commissioned in 1993, could not provide sufficient capacity to cope with the future demand. According to the applicant, the choice of suitable sites for accommodating the proposed SPS is heavily constrained by the alignment of the existing sewerage system, the availability of Government land, topographic feature, location of existing utilities and locals’ views. Having comprehensively considered the technical constraints, the applicant considers that the Site is the only piece of suitable Government land of adequate size to develop the SPS in that there is an existing SPS on Site, it is within the sewerage catchment network, the Site is at a low topographical level for effective sewage collection by gravity and is equipped with a proper maintenance access. Besides, the proposal, including the location of the Site, was supported by the North District Council and Ta Kwu Ling District Rural Committee in 2018 and February 2021 respectively.
- 10.3 The Site is located in between Tong Fong and Kan Tau Wai and is currently partly occupied by the existing Ping Che Road TFSPS and partly sits on top of low flow drainage channel of the Ping Yuen River. The proposed SPS is considered not incompatible with the surrounding areas predominately rural in character with fallow agricultural land, vacant land and village houses. CTP/UD&L of PlanD has no objection

to the application from urban design, visual and landscape impact perspectives.

- 10.4 DEP advises that the potential environmental impacts are unlikely to be adverse and the mitigation measures approved under the Project Profile would meet the relevant statutory requirements. Other relevant Government departments consulted, including CA/CMD2 of ArchSD, DAFC, C for T and H(GEO) of CEDD have no objection to or no comment on the application. To address the technical requirements of concerned Government department, relevant approval condition is recommended in paragraph 11.2 below.
- 10.5 Regarding the local concerns conveyed by DO(N) of HAD and public comments as detailed in paragraphs 8.1.7 and 9 above, the Government department's comments and the planning assessments above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 above, 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 26.2.2025, 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 submission and implementation of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

- 11.3 There is no strong planning 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 the 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

Appendix I	Application Form with attachments received on 11.1.2021
Appendix Ia	Supplementary Planning Statement received on 11.1.2021
Appendix Ib	Further Information received on 19.2.2021
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses
Drawings A-1 to A-2	Proposed Layout Plan and Section Plan
Drawings A-3 to A-4	Water Flow Direction of Ping Yuen River
Drawing A-5	Catchment Plan
Drawings A-6 to A-7	Proposed Landscape Plan
Drawings A-8 to A-9	Photomontage
Drawings A-10 to A-13	Proposed Planting Plans
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Site Plan with Water Mains
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**