

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

**APPLICATION NO. A/NE-SLT/2**

- Applicant** : Green Power Limited
- Site** : Various lots in D.D. 31, Sha Lo Tung, Tai Po, New Territories
- Site Area** : About 12,726 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use, except Lot 758D for building use)
- Plan** : Approved Sha Lo Tung Outline Zoning Plan (OZP) No. S/NE-SLT/4
- Zonings** : “Conservation Area” (“CA”) (about 9,490 m<sup>2</sup> or 75% of the Site) and “Site of Special Scientific Interest” (“SSSI”) (about 3,236 m<sup>2</sup> or 25% of the Site)
- Application** : Proposed Nature Reserve (including Artificial Marsh and Eco-pond) and associated filling/excavation of land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed nature reserve (including artificial marsh and eco-pond) at the application site (the Site), which is mainly zoned “CA” (about 75%) and partly zoned “SSSI” (about 25%) on the approved Sha Lo Tung OZP (**Plan A-1**). According to the Notes for “CA” and “SSSI” zones, ‘Nature Reserve’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Moreover, filling of land/pond or excavation of land within “CA” and “SSSI” zones requires planning permission from the Board.
- 1.2 According to the applicant, the proposed eco-pond and artificial marshes within the “CA” portion of the Site aim to restore the wetland habitats in Sha Lo Tung. In the process of creating the proposed eco-pond and artificial marshes, the applicant will first remove the exotic plants, refuse and debris to identify the historical paddy fields and irrigation ditches in the area and examine the conditions of the water retaining/irrigation features of the previous paddy fields. Upon review of the actual site conditions, repairing or reconstruction of earth bunds (up to 0.5m in height) for those damaged or buried water retaining/

irrigation features may be required. Excavation of top soil (up to 0.4m in depth) may also be required to create depressions for water storage. After that, wetland plants will be reintroduced, if necessary, to recreate the wetland habitats. For the “SSSI” portion of the Site, no filling of land/pond or excavation of land is proposed in order to protect the nearby Ecologically Important Streams.

- 1.3 The proposed eco-pond and artificial marshes under application are part of the “Nature Conservation Management Agreement Scheme – Habitat and Biodiversity Conservation Scheme in Sha Lo Tung 2018-2020” (the SLT MA Project) undertaken by the applicant to protect existing habitats and preserving the natural landscape of Sha Lo Tung through restoration and active management of wetland habitats. The SLT MA Project (i.e. areas edged red on **Drawings A-1 and A-2**) covers an area of about 114,500m<sup>2</sup> of private land, of which about 18,126m<sup>2</sup> will be managed intensively (i.e. the “Intensive Management Area” shown in orange colour on **Drawing A-2**). Apart from the proposed eco-pond and artificial marshes, the Intensive Management Area also involves tree planting in an area zoned “Village Type Development” (“V”) and agricultural use in an area zoned “Green Belt” (“GB”). Since these uses are always permitted under the OZP, they are not included in the current application. In addition, the applicant states that for the “Extensive Management Area” (i.e. areas edged red excluding the orange coloured areas on **Drawing A-2** of about 96,374m<sup>2</sup>), only regular maintenance activities such as removal of exotic plants, refuse and debris will be carried out, and no filling of land, excavation or other ground works will be involved. The technical drawings and renderings of the proposed artificial marshes and eco-pond provided by the applicant are shown on **Drawings A-3 and A-4**.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form and attachments received on 12.2.2019 (**Appendix I**)
  - (b) Further Information (FI) received on 16.5.2019 providing responses to departmental comments and enclosing a revised environmental assessment report including an ecological assessment, a drainage management plan, a sewage management plan, a land contamination assessment, a visitor management plan, and a wetland restoration and planting plan (**Appendix Ia**)
  - (c) FI received on 23.7.2019 providing responses to departmental comments and clarification of background information. (**Appendix Ib**)
- 1.5 On 12.4.2019 and 5.7.2019, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant’s request to defer making a decision on the application each for two months to allow time for the applicant to prepare FI in support of the application. The latest FI was received on 23.7.2019

and the application is scheduled for consideration by the Committee on 16.8.2019.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Appendix 1 of the Application Form at **Appendix I** and FI submissions at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) the Government has long been facilitating the implementation of Management Agreement and Public-Private Partnership Pilot Scheme under the New Nature Conservation Policy to conserve 12 Priority Sites in Hong Kong. Sha Lo Tung ranks second among the 12 sites. The proposed eco-pond and artificial marshes as part of the SLT MA Project are in line with the Government's nature conservation policy;
- (b) an advisory committee for the SLT MA Project has been formed to provide technical advice and expertise in areas of environmental engineering, hydraulics and wetland restoration. Members of the advisory committee include representatives from universities, non-governmental organisations (NGOs) and Government departments such as the Agriculture, Fisheries and Conservation Department (AFCD);
- (c) the SLT MA Project aims to protect and enhance natural habitats and landscape of Sha Lo Tung, as well as deter natural succession which is unfavourable to the existing wildlife, through restoration and active management of wetland habitats;
- (d) the SLT MA Project also aims to provide educational opportunities to enhance public awareness towards conservation of Sha Lo Tung;
- (e) baseline surveys have been carried out for the SLT MA Project in the wet season of 2018 to provide baseline data before any habitat restoration works;
- (f) the proposed artificial marshes and eco-pond will restore wetland habitats from abandoned farmland which has been degraded by human destruction and natural succession. Should the application be approved, works would be carried out mainly involve removal of undesired materials/vegetation; identification of historical paddy fields and irrigation features; re-profiling of top soil (only when necessary) and restoration of wetlands; and reintroduction of wetland plants. Such works are expected to be completed by end of 2019;
- (g) land excavation/filling works will only be carried out when necessary with a view to create water depressions for water storage and to repair or reconstruct the earth bunds encompassing the artificial marshes and eco-ponds, if water retaining/irrigation features of the abandoned farmlands are lost;
- (h) the excavated soil will be utilised on-site for the land filling works associated with the repairing or reconstruction of earth bunds as far as possible. During construction, land filling (bund repairing) and soil excavation works will only

involve the use of one bulldozer (below 5.5 tonnes) with no other powered mechanical equipment. Any excessive excavated soil generated will be taken away from Sha Lo Tung instantly and properly treated; and

- (i) the applicant has submitted a set of environmental assessments including an ecological assessment, a drainage management plan, a sewage management plan, a land contamination assessment, a visitor management plan, and a wetland restoration and planting plan as well as a submission to address landscape issues to demonstrate that there will not be any insurmountable impacts to the surrounding area (**Appendices Ia and Ib**).

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

The applicant is not the “current land owner”. However, he has complied with the 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) by obtaining the owner’s consent.

### **4. Background**

#### Long-term Conservation of Sha Lo Tung

- 4.1 The ecological significance of Sha Lo Tung ranks second only to the internationally important Mai Po and Inner Deep Bay Ramsar Site among the 12 priority sites identified under the New Nature Conservation Policy. It is one of the most important breeding and development grounds for dragonflies in Hong Kong, supporting over 60% of local species including a number of rare, endangered and endemic species. A total of 76 species of dragonflies known in Hong Kong are recorded in Sha Lo Tung, making it the only area in Hong Kong with such a high diversity of dragonflies. With its rich vegetation and food sources, as well as relatively unpolluted streams, marshes and woodland, it also offers a prime habitat for a multitude of butterflies, fireflies, freshwater fish, mammals, amphibians, reptiles and birds. It enjoys a reputation for having marshes and streams among woodland and being a sanctuary for dragonflies.
- 4.2 Sha Lo Tung has very high ecological value which requires active conservation management to avoid degradation and damage and has good potential for long-term and sustainable management for public enjoyment. For the purpose of the long-term conservation of Sha Lo Tung, the Chief Executive in Council has in 2017 given in-principle agreement to the pursuit of a proposal for the contemporaneous surrender of private land with high ecological importance in Sha Lo Tung to the Government and granting of a piece of land at the Shuen Wan Restored Landfill (SWRL) in Tai Po to the Sha Lo Tung Development Company Limited (SLTDC) (i.e. the non-in-situ land exchange), which is the landowner of the private land of the Site.

- 4.3 To promote long-term conservation management of the ecologically significant habitats in Sha Lo Tung, the surrendered private land together with the Government land in Sha Lo Tung will be put under active conservation management by AFCD, which will actively explore the engagement of a suitable NGO to implement the relevant active conservation management plan and provide suitable facilities and services for public enjoyment and education, in collaboration with local stakeholders. The Government's negotiation with the SLTDC is in progress to work out the detailed arrangements. Upon conclusion of discussions with the SLTDC, the Government will seek formal approval from the Chief Executive in Council on the proposed non-in-situ land exchange.

“Habitat and Biodiversity Conservation Scheme in Sha Lo Tung 2018-2020”  
(the SLT MA Project)

- 4.4 In 2004, the Government promulgated under the New Nature Conservation Policy that, inter alia, management agreement with landowners and public-private partnership should be pursued to enhance the conservation of 12 priority sites in private ownership and of high ecological importance. Under the prevailing Nature Conservation Management (MA) scheme, NGOs may apply for funding from the Environment and Conservation Fund (ECF) for entering into MAs with landowners or tenants of the priority sites, private land in country parks and private land in country park enclaves for conservation purpose. The ECF was established under the Environment and Conservation Fund Ordinance (Cap. 450) in 1994. As part of its long-term commitment to environmental protection and conservation, the Government has injected \$5 billion into the ECF which serves as seed money to generate annual investment returns to support green projects and activities.
- 4.5 The SLT MA Project was approved by the ECF Committee on 31.1.2018 for the management of about 11.45 ha of private land of high ecological importance in Sha Lo Tung for a period of two years with effect from 1.4.2018. Under the SLT MA Project, the applicant will carry out baseline ecological surveys, restoration and enhancement of habitats, vandalism control and public experiential education, with a view to embarking on active conservation management and preventing habitat degradation in Sha Lo Tung. According to the applicant, the private lots within the SLT MA Project have been leased to the applicant by the land owners (i.e. SLTDC) effective from 1.4.2018 to facilitate their conservation works. Like other MA projects, the applicant has to report to Environmental Protection Department (EPD) on the status, implementation and progress of the SLT MA Project regularly to ensure it does not deviate from its objectives. In addition, AFCD and the Countryside Conservation Office under EPD also closely monitor the project on technical aspects.

## **5. Previous Application**

There is no previous application at the Site.

## **6. Similar Application**

There is no similar application for nature reserve within the same “CA” and “SSSI” zones.

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

7.1 The Site is:

- (a) scattered around Cheung Uk Village in Sha Lo Tung within land parcels leased and currently managed by the applicant to carry out nature conservation works;
- (b) accessible by footpath via an existing vehicular access road of 2.5m wide branching off from Ting Kok Road to the south; and
- (c) part of the SLT MA Project funded by the ECF.

7.2 The surrounding areas have the following characteristics:

- (a) to the east and south are vast stretch of active and abandoned farmland; and
- (b) to the west and the north (for the southern parcels in “CA” zone) are the village cluster of Cheung Uk Village.

## **8. Planning Intentions**

8.1 The planning intention of “CA” zone is to protect and retain the existing natural character, landscape, ecological, biological or topographical features of the area for conservation, educational and research purposes and to serve as a buffer to give added protection to the ecologically sensitive areas, in particular, the streamcourses within the Site of Special Scientific Interest (SSSI). There is a general presumption against development in the “CA” zone. In general, only developments that are needed to support the conservation of the existing natural landscape/features of the area or are essential infrastructure projects with overriding public interest may be permitted.

8.2 The planning intention of “SSSI” zone is to conserve and protect the streamcourses and the freshwater marshes which are important habitats for the breeding and development of rare species and diverse community of dragonflies, for other aquatic and stream fauna such as freshwater fishes and amphibians which are of special scientific interest. It intends to deter human activities or developments within the SSSI. There is a general presumption against development in “SSSI” zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

## **9. Comments from Relevant Government Departments**

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

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the application involves private lots which are governed by Block Government Lease demised for agriculture use (except Lot 758D in D.D.31 for building use); and
- (c) the applicant is reminded that any proposed use should comply with the relevant lease conditions. Should the application be approved by the Board and the use is not in compliance with the lease condition, the owner should apply to LandsD for a lease modification/temporary waiver to give effect to the proposed use. If the application for modification/temporary waiver is approved by LandsD in the capacity as landlord at its sole discretion, it will be subject to such terms and conditions including the payment of premium/waiver fee. However, there is no guarantee that the approval to such modification/temporary waiver will be given. There is also no guarantee to the grant of a right of way to the Site.

### **Nature Conservation and Environment**

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

#### *Nature Conservation Policy Perspective*

- (a) supports in principle the application for enhanced conservation in Sha Lo Tung from nature conservation policy perspective as the proposed artificial marshes and eco-pond under application are some of the key elements of the nature conservation works of the SLT MA Project;
- (b) the application is to support the implementation of the SLT MA Project, which is being carried out by the applicant. The SLT MA Project was approved by the ECF Committee on 31.1.2018 for the management of about 11.45 ha of private land in Sha Lo Tung for a period of two years with effect from 1.4.2018. Under the SLT MA Project, the applicant will carry out baseline ecological surveys, restoration and enhancement of habitats, vandalism control and public experiential education, with a view

to embarking on active conservation management and preventing habitat degradation in Sha Lo Tung;

- (c) no comment on the FI provided by the applicant (**Appendix Ib**). The applicant has to report to EPD about the status, implementation and progress of the SLT MA Project regularly to ensure that the project will not deviate from its objectives in the context of environmental conservation and education. In addition, the Countryside Conservation Office of EPD will closely monitor the project on technical aspect;

*Environmental Assessment Perspective*

- (d) no objection to the application from environmental assessment point of view;
- (e) the applicant has confirmed to implement a list of mitigation and monitoring measures to protect the Ecologically Important Streams in Sha Lo Tung including no earth works will be carried out within 30m from any stream, regardless of dry/wet season;
- (f) to cater for the potential surge of sewage generated from the additional visitors in one-day public event, it is noted that the applicant has consulted the Food and Environmental Hygiene Department (FEHD) who advises that the frequency of desludging and cleansing of the public toilet could be increased upon request. The applicant has also clarified that where necessary, additional temporary toilets at the entrance of the vehicular access leading to the Site will also be considered to minimise the use of FEHD's public toilet; and
- (g) in any event, the applicant shall observe relevant environmental pollution control ordinances (e.g. Noise Control Ordinance, Air Pollution Control Ordinance, Water Pollution Control Ordinance, Waste Disposal Ordinance, etc.) when they carry out the proposed works. During construction, the applicant shall implement appropriate pollution control measures to minimize any nuisance to the residents or any potential impact to the SSSI. A full set of the "Recommended Pollution Control Clauses for Construction Contracts" is available at the EPD's website for reference.

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

- (a) supports in principle the application from nature conservation point of view as the proposed uses are part of a MA project approved by ECF to commence active conservation management in Sha Lo Tung;



- (b) AFCD would be consulted prior to any extraction of water from stream courses and extraction would not be allowed if any potential adverse impacts to the streams would be anticipated upon assessment; and
- (c) no comment on the FI provided by the applicant (**Appendix Ib**). An advisory committee has been formed to provide technical advice and expertise for the SLT MA Project with AFCD being one of the members, and AFCD closely monitors the project on the technical aspect.

### **Landscape**

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

- (a) no objection to the application from the landscape planning perspective; and
- (b) it is noted that all existing trees will be retained and construction machinery will be transported via existing vehicular access. In view that the proposed use is not incompatible with the surrounding environment and significant adverse impact on landscape resources is not anticipated, landscape condition is not recommended should the Board approve the application.

### **Traffic**

9.1.5 Comments of the Commission for Transport (C for T):

- no in-principle objection to the application from traffic engineering point of view.

### **Drainage**

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application from the public drainage point of view;
- (b) no adverse comment on the Drainage Management Plan submitted by the applicant as there will be no increase in surface runoff or reduction in the flood storage capacity under the application. The applicant should be reminded that invasive or exotic vegetation removed should be properly handled/stored/disposed of to prevent affecting the hydraulic capacity of the stormwater drainage facilities; and

- (c) no adverse comment on the Sewage Management Plan submitted by the applicant.

### **Water Supply**

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

- (a) no objection to the application; and
- (b) the Site is within upper indirect water gathering grounds (WGG). In view of the risk of contamination of WGG such as filling and/or excavation of land and increase of human activities of visitors after commissioning the proposed development, the applicant is advised to undertake protective measures to ensure no pollution occurs to the WGG including the followings:
  - (i) no earth and other construction materials which may cause contamination to the WGG are allowed to be stockpiled or stored on site during construction phase;
  - (ii) all excavated or filled surface which have the risk of erosion shall be protected from erosion at all times;
  - (iii) all solids and sludge arising from the proposed use shall be disposed of properly outside WGG;
  - (iv) no discharge of effluent or foul water shall be discharged into adjoining land, stormwater drain, channel, stream or river course is allowed. In case of any foul water or runoff from the Site, it shall be diverted properly to the communal sewer system with a prior written consent of Water Authority, who may require the applicant to provide. Operate and maintain suitable works for the treatment and disposal of such effluent or foul water, as a condition of granting his consent;
  - (v) the use of pesticide within WGGs is strictly prohibited; and
  - (vi) prior approval must be sought from Water Authority for the use of fertilisers. Assessment on pollution risks resulting from the application shall be conducted based on the reason of application, chemical composition, toxicological data, application procedure, quantity and frequency, etc., to ensure no material increase in the pollution effect to WGG.

**Electricity Supply Safety**

- 9.1.8 Comments of the 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 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**

- 9.1.9 Comments of the District Officer (Tai Po), Home Affairs Department (DO(TP), HAD):
- (a) no comment on the application; and
  - (b) there are persistent disputes among the villagers of Sha Lo Tung Lei Uk and Sha Lo Tung Cheung Uk with the SLTDC. The application may further trigger disputes and strong reaction is expected.
- 9.2 The following Government departments have no objection to/no comment on the application:
- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
  - (b) Director of Fire Services (D of FS); and
  - (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD).

**10. Public Comments Received During Statutory Publication Period**

- 10.1 On 19.2.2019 and 28.5.2019, the application and further information were published for public inspection. During the statutory public inspection periods,

15 public comments were received. Six supporting comments were from Village Representatives of Cheung Uk Village and Lee Uk Village in Sha Lo Tung, the Hong Kong Bird Watching Society and the Conservancy Association. Five opposing comments were submitted by World Wide Fund for Nature Hong Kong, a concern group and an individual. The remaining comments were submitted by Kadoorie Farm & Botanic Garden Corporation, Hong Kong Countryside Foundation and an individual expressing their concerns on the proposed development. The public comments received are attached at **Appendix II**.

- 10.2 The six supporting comments were mainly on the following grounds:
- (a) the villagers of Sha Lo Tung in general support the conservation works carried out by the applicant;
  - (b) supports the restoration and active management of wetland habitats in Sha Lo Tung in order to conserve and enhance the ecological and conservation value in the area;
  - (c) the application has included comprehensive supporting documents to justify the proposed nature reserve, and mitigation measures have been proposed to minimise any potential adverse ecological impacts;
  - (d) welcomes the habitat and biodiversity conservation to be implemented in Sha Lo Tung, which is one of the Priority Sites for Enhanced Conservation; and
  - (e) the current application has addressed their previous concerns by not proposing the “unnecessary” nature trails.
- 10.3 The five opposing comments against the application were mainly on the following grounds:
- (a) the construction works will adversely affect the ‘fung shui’ and ecology of the nearby village;
  - (b) a lawsuit has been launched by a group of Sha Lo Tung villagers against the SLTDC on the ground that SLTDC has not settled with the affected villagers on compensation/relocation as agreed between them in 1979. There is also accusation that SLTDC has submitted fraud information to the Government in support of the land exchange application. Thus, any project in the area should not go ahead until the judgement is finalized;
  - (c) there is accusation of collusion between the applicant and SLTDC. The applicant has carried out illegal excavation works which affected the environment and obstructed the access of the village; and
  - (d) the proposed development favours conservation rather than the rights

of the indigenous villagers and will hinder village type development.

- 10.4 Concerns on the application raised in the remaining public comments are summarized as follows:
- (a) concerns on management of visitors, possible ecological, sewerage and drainage impacts during construction and operation, and the wetland restoration plan; and
  - (b) the proposed development should perform with highest standards and best practices to set a good example for village revitalization and habitat restoration in Hong Kong.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed nature reserve (artificial marshes and eco-pond) at the Site which is mainly zoned “CA” (about 75%) and partly zoned “SSSI” (about 25%) on the approved Sha Lo Tung OZP. According to the applicant, the proposed artificial marshes and eco-pond aim to restore the wetland habitats in Sha Lo Tung by recreating water retaining/irrigation features of the previous paddy fields which are damaged or buried. After removal of undesired exotic vegetation, refuse and debris, the conditions of the historical paddy field bunds and irrigation ditches will be examined to determine the extent of the land filling (up to 0.5m in height) and land excavation (up to 0.4m in depth) works that are necessary. The applicant emphasizes that land excavation and filling works will only be carried out within the “CA” portion of the Site where necessary, and no land excavation or filling works will be carried out within the “SSSI” portion of the Site in order to protect the nearby Ecologically Important Streams.
- 11.2 According to the applicant, the proposed artificial marshes and eco-pond are intended to restore the wetland habitats in Sha Lo Tung, which is the core conservation measure of the SLT MA Project. DEP and DAFC support the application in principle from nature conservation policy perspective as the artificial marshes and eco-pond are some of the key elements of the nature conservation works of the SLT MA Project. In this regard, the proposed artificial marshes and eco-pond and the associated land filling/excavation works under application are considered in line with the planning intentions of the “CA” and “SSSI” zones to support the conservation of the existing natural landscape/features of the area in “CA” zone and the features of special scientific interest in the “SSSI” zone.
- 11.3 The Site is situated in Sha Lo Tung valley with the surrounding natural environment comprising predominantly farmland and rural settlements. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as the proposed development is not incompatible with the surrounding environment and significant adverse impact on landscape resources is not anticipated. DEP has no objection to the application from environmental assessment point of view as the applicant has confirmed to implement various

mitigation and monitoring measures to protect the Ecologically Important Streams in Sha Lo Tung. Moreover, DEP, DAFC, CE/C of WSD, H(GEO) of CEDD and CE/MN of DSD have no objection to or no adverse comments on the set of environmental assessments submitted by the applicant including an ecological assessment, a drainage management plan, a sewage management plan, a land contamination assessment, a visitor management plan, and a wetland restoration and planting plan. Besides, similar to other MA projects funded by the ECF, the applicant has to report to EPD on the status, implementation and progress of the SLT MA Project regularly to ensure it does not deviate from its objectives. In addition, AFCD and the Countryside Conservation Office under EPD also closely monitor the project on technical aspects. Other concerned departments including DLO/TP of LandsD, CHE/NTE of HyD, C for T, DFS and DO(TP) of HAD have no objection to or adverse comments on the application. Adverse environmental, drainage, water supply and traffic impacts arising from the proposed development are not envisaged.

- 11.4 With respect to the views of the villagers concerning the current land disputes between them and the SLTDC and the proposal will hinder village type development, it should be noted that the applicant has obtained consent from the current land owner and hence has complied with the requirements as set out in the TPB PG-No. 31A, and that the Site does not involve any area falling within the “V” zone. As for other concerns as detailed in paragraph 10, concerned Government departments’ comments and the planning assessments in paragraphs above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 16.8.2023, 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 recommended advisory clauses are attached at **Appendix III** for Members’ reference.
- 12.3 There is no strong reason to recommend rejection of the application.

## **13. Decision Sought**

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

- 13.2 Should the Committee decide to approve the application, Members are invited to consider the advisory clauses 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 reason(s) for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application form and attachments received on 12.2.2019
<b>Appendix Ia</b>	Further information received on 16.5.2019
<b>Appendix Ib</b>	Further information received on 23.7.2019
<b>Appendix II</b>	Public comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Project layout plan
<b>Drawing A-2</b>	Intensive and extensive management areas submitted by the applicant
<b>Drawings A-3 and A-4</b>	Illustrations of the proposed artificial marshes and eco-pond 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 and A-4b</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2019**