

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/993

<u>Applicant</u>	:	Water Supplies Department (WSD), the Government of the HKSAR
<u>Site</u>	:	Government land next to the Pok Chuen Street at Shui Chuen O, Sha Tin, New Territories
<u>Site Area</u>	:	911 m ² (about)
<u>Land Status</u>	:	Government Land
<u>Plan</u>	:	Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/34
<u>Zoning</u>	:	“Green Belt” (“GB”)
<u>Application</u>	:	Proposed Service Reservoir

1. The Proposal

- 1.1 The applicant seeks planning permission for the development of a proposed salt water service reservoir (SWSR) at the application site (the Site) (**Plan A-1**), which falls within an area zoned “GB” on the approved Sha Tin OZP No. S/ST/34. According to the Notes of the OZP, ‘Service Reservoir’ in the “GB” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposed SWSR will be built on a sloping site to the northwest of the existing Shui Chuen O Fresh Water Service Reservoir (FWSR), and to the south of Shui Chuen O Estate. The proposed development is a single-storey structure with a total floor area of about 185.3m², a building height of 8.3m, and a design capacity of about 820m³ (**Drawings A-1 to A-2**). The Site is accessible from Pok Chuen Street (**Plan A-2**). The target completion date of the proposed development is August 2024.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 31.12.2020 **(Appendix I)**
 - (b) Supplementary information attached to the application form **(Appendix Ia)**
 - (c) Further information (FI) received on 10.2.2021 **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form with attachments and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) temporary fresh water for flushing is currently provided to the Shui Chuen O area. Taking into account the projected population intake of planned developments in Sha Tin Area including Chun Yeung Estate, Choi Wo Court and the private development at To Shek, a shortfall in fresh water supply of about 3,000m³ is anticipated in 2025. In order to spare adequate fresh water to meet the increasing demand and to conserve valuable fresh water resources, salt water flushing supply to Shui Chuen O area is proposed;
- (b) the Site satisfies the following site selection criteria and operational requirements, and is considered the most suitable location for the proposed SWSR:
 - (i) the proposed SWSR should be sited at a level to ensure that a steady and sufficient residual pressure can be maintained throughout the supply zone; and sufficient water pressure can be provided to deliver the water to the proposed SWSR;
 - (ii) the level of the proposed SWSR should be lower than that of the existing Shui Chuen O FWSR such that in case of any failure in salt water supply system, water from Shui Chuen O FWSR can be fed into the SWSR by gravity to provide temporary fresh water flushing;
 - (iii) based on the above criteria, a hydraulic analysis has been carried out and a service reservoir with top water level of 127mPD and invert level of 121mPD is identified to offer optimum performance of the proposed salt water supply system;
 - (iv) the proposed SWSR should be located in the vicinity of the proposed salt water pumping station, which is located to the immediate west of the existing To Shek Service Reservoir (**Plan A-1**), as well as the supply zone to minimize the capital cost of main-laying and recurrent pumping course; and
 - (v) the minimum volume of the proposed SWSR is 820m³ and the minimum site area required is about 911m². Vehicular access road to the proposed SWSR is necessary for the operation and maintenance purposes.
- (c) apart from the Site, a number of potential sites in the vicinity have also been considered. These potential sites were either located on site levels which are too high or too low for optimal performance, or located on steep slope feature which would involve substantial retaining structures;
- (d) the Site is adjacent to the Pok Chuen Road. There is no need to construct a new access road and thus construction and demolition (C&D) materials generated by the proposed development could be minimised;
- (e) the applicant has submitted a preliminary environmental review (PER) report for the project which concludes that the project would not cause any long-term impacts to the identified sensitive receivers. Short-term impacts arising from construction works will be mitigated through implementation of standard pollution control measures including the use of temporary acoustic barriers and silenced construction plants to minimise the noise impact; frequent watering of the Site in addition to wheel-washing; covering of stockpiled

materials and the use of trucks with mechanical cover to prevent dust nuisance and the use of desilting facilities to prevent discharge of muddy water;

- (f) a preliminary ecological impact assessment (PEIA) was conducted to assess the ecological impacts resulting from the project. According to the PEIA, two floral species of conservation importance, including one group and one individual of *Diospyros vaccinioides* (小果柿) and one clump of *Gnetum luofuense* (羅浮買麻藤), were identified within the Site. All identified floral species of conservation importance are proposed to be preserved in-situ as a primary measure. With the implementation of the suggested mitigation measures such as adoption of good site practice, no significant adverse ecological impacts on flora, fauna and habitats are anticipated;
- (g) according to the applicant's landscape and visual impact assessment (LVIA) report, construction works are to be confined within the site area to minimize potential landscape impact. Existing trees within or near the Site will be retained as far as possible if they are not in conflict with the proposed SWSR. Out of a total of 30 trees within the Site, 2 trees are proposed to be retained and/or pruned and 28 trees to be felled. As compensatory planting, 9 new trees will be planted on-site while 19 trees will be planted off-site at the existing To Shek Service Reservoir. Mitigation measures including planting of trees, shrubs and climbers along the periphery of the Site, green roof with hydroseeding, and painting the walls of the SWSR into earth green colour are proposed to blend in the SWSR with the surrounding environment;
- (h) during operation of the SWSR, surface run-off from the Site will be collected and drained directly into the existing drainage system through silt removal facilities. To reduce the chance of overflow, a robust monitoring and control mechanism will be in place. Hence, significant drainage impact from the proposed development is not anticipated;
- (i) a traffic impact assessment (TIA) is conducted to reveal that traffic generated by the construction of the proposed SWSR will have minimal impact to the existing traffic network. As the proposed SWSR will be an unmanned installation, there will be no traffic impact during the operation stage;
- (j) according to the geotechnical planning review report (GPRR), there are two man-made features No. 7SE-C/CR303 and 7SE-C/F241 overlooking the proposed SWSR, and both features will not affect the Site. On the other hand, part of a man-made slope feature No. 7SE-C/C673 and the adjacent natural terrain are to be removed to cater for the site formation works for the proposed SWSR; and
- (k) the Development and Housing Committee (DHC) of Sha Tin District Council (STDC) has been consulted on the proposal on 27.10.2020. Members' concern on the traffic impact resulted from the construction of the proposed SWSR and the laying works of the associated water mains, which run underneath the major carriageways of Shui Chuen O Estate, is noted by WSD. To address Members' concern, WSD has reviewed the alignment of the proposed water mains such that the proposed water mains will be shifted from carriageway to footpath as far as possible and is maintaining close liaison with Transport Department, Hong Kong Police Force and relevant authority to resolve the potential traffic concern. Besides, the water main laying works would only be carried out during non-peak hours when necessary.

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 this 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’ is relevant to this application. The relevant assessment criteria are summarised below:

- (a) there is a general presumption against development (other than redevelopment) in a “GB” zone;
- (b) an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for Government, Institution or Community (GIC) uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for GIC uses;
- (d) the design and layout of any proposed development should be compatible with the surrounding areas. 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 vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (f) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (g) any proposed development on a slope should not adversely affect slope stability.

5. Previous Application

There is no previous application for the Site.

6. Similar Application

There is no similar application for ‘Service Reservoir’ in the same “GB” zone.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, and photos on Plans A-3 to A-4b)

7.1 The Site is:

- (a) currently vacant and mainly covered with vegetation;
- (b) accessible from Pok Chuen Street.

7.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas are mainly vegetated artificial and natural slopes; and
- (b) to the east is an open-air public vehicle park under short term tenancy (STT), to the southeast is the existing Shui Chuen O FWSR and to the north is a large-scale public housing estate, Shui Chuen O Estate.

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 summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) he has no objection to the application;
- (b) the Site falls within Government land and would encroach onto the items listed below. The applicant is advised to obtain consents from the relevant parties before commencement of the works relating to the proposal:
 - (i) ER SDO/ST 13/3/15 – Tunnel Reserve for WSD Water Tunnel in New Territories East (D3);
 - (ii) slope feature No. 7SE-C/C673 maintained by Highways Department; and
- (c) a Permanent Government Land Allocation (PGLA) application for the proposed SWSR has been received and is now under processing. There is no guarantee that the PGLA application will be approved. If such application is approved, it will be subject to engineering conditions as may be imposed by the Lands Department.

Traffic

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

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

Environment

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

- (a) he has no objection to the application;
- (b) based on the information provided in the PER, insurmountable environmental impact arising from the proposed service reservoir is not anticipated; and
- (c) the applicant is reminded to revise the PER to his satisfaction to address the potential environmental impacts and propose necessary mitigation measures.

Urban Design and Landscape

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

Urban Design and Visual

- (a) no adverse comment on the application from urban design and visual impact perspectives;
- (b) the Site is adjacent to Pok Chuen Street and mainly surrounded by natural vegetated hill slopes, Shui Chuen O Service Reservoir and Shui Chuen O Estate, etc.;
- (c) as demonstrated by the VIA submitted by the applicant (**Drawing A-3 to A-4**), the proposed SWSR is considered not incompatible with the surrounding environment. With the implementation of the visual mitigation measures (including green roofing, architectural chromatic treatment, screen tree planting etc.) as proposed in the VIA, no significant adverse visual impacts are anticipated;

Landscape

- (d) no objection to the application from the landscape planning perspective;
- (e) it is noted that about 28 existing trees are in conflict with the proposed development and are proposed to be removed. The affected trees are of common species, no tree in large size nor rare and protected tree species is found within the Site;

- (f) furthermore, it is noted that, despite potential landscape impact anticipated, landscape mitigation measures have been proposed to minimize the identified impact, including the provision of about 9 new tree plantings within the Site (**Drawing A-6**). In view of that the proposed service reservoir has taken up majority of the Site, and the remaining site area consists of slopes, new tree plantings provided with sufficient growing space have been maximized based on the current development layout; and
- (g) in addition to the above, amenity shrub, groundcover, climber planting, hydroseeding of slopes and green roof within the Site have also been proposed to further mitigate the potential landscape impact arising from the development.

Nature Conservation

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

he has no adverse comments on the application regarding the construction of Shui Chuen O SWSR from nature conservation perspective.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no specific comment on the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of format submission of general building plans; and
- (c) the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

District Officer's Comments

9.1.7 Comments of the District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD):

Sha Tin District Council members have raised concerns on the proposal, especially on the traffic impact resulting from the laying works of water mains underneath the carriageways of Shui Chuen O Estate.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Director of Leisure and Cultural Services (DLCS);
- (d) Chief Building Surveyor/New Territories East (1) & Licensing, Buildings Department (CBS/NTE1&L, BD);
- (e) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);

- (f) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (g) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (h) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD)

10. Public Comments Received During Statutory Publication Period (Appendix III)

On 12.1.2021, the application was published for public inspection. During the statutory public inspection period, two public comments from the Hong Kong Bird Watching Society (HKBWS) and an individual were received raising objections to the application. Their objection grounds are summarized below:

- (a) the proposed SWSR is not in line with the planning intention of the “GB” zone as it would involve clearance of vegetation on “GB” zone;
- (b) according to the habitat map in the PEIA report (Enclosure 3 of **Appendix I**), flora of conservation interest were recorded within the Site and its immediate surroundings. The proposed SWSR is against the planning intention of the “GB” zone;
- (c) the approval of the application will set an undesirable precedent for future similar applications within the “GB” zone;
- (d) as the proposed SWSR is not in line with the planning intention of “GB” zone, HKBWS would expect the Board and relevant departments including AFCD and PlanD objecting to the application; and
- (e) the proposal could be accommodated on other adjacent site which has been disturbed, for example near the Shui Chuen O FWSR.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed Salt Water Service Reservoir (SWSR) at the Site zoned “GB” on the OZP. The proposed development is a single-storey structure with a total floor area of about 185.3m², a building height of 8.3m, and a design capacity of about 820m³. 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.
- 11.2 The Site is a piece of government land located on a sloping site to the northwest of the existing Shui Chuen O FWSR and to the south of Shui Chuen O Estate, and accessible by Pok Chuen Street (**Plan A-2**). According to the applicant, temporary fresh water for flushing is currently provided to the Shui Chuen O area. With the projected increase in population in the Sha Tin area, a shortfall in fresh water supply of about 3,000m³ is anticipated in 2025. As such, salt water flushing is proposed for Shui Chuen O area in order to spare adequate fresh water to meet the increasing demand and to conserve valuable fresh water resources. Moreover, the applicant has demonstrated in the submission that the Site is the most suitable site in the surrounding area which

can meet the site selection criteria and operation requirements of service reservoir and no alternative sites are available.

- 11.3 The Site is located on the hill slope covered with trees and dense vegetation. According to the tree survey undertaken by the applicant, out of a total of 30 trees within the Site, 2 trees are proposed to be retained and/or pruned and 28 trees to be felled. The applicant has proposed to plant 9 new trees as a compensatory measure to mitigate the landscape impacts arising from the proposed development. Moreover, to mitigate the potential visual impact, measures including green roof treatment, screen tree planting, shrub/climber planting and painting the proposed SWSR with earth green colour are proposed to blend in with the surrounding landscape (**Drawings A-5 to A-6**). In this regard, CTP/UD&L of PlanD and CA/CMD2 of ArchSD have no objection to or no adverse comment on the application from visual and landscape planning perspectives.
- 11.4 A preliminary environmental review (PER) report has been prepared and included in the applicant's submission to evaluate the environmental impacts resulted from the proposal. According to the PER report submitted, the proposed SWSR will not cause adverse environmental impact during construction and operation phases with the implementation of environmental mitigation measures. In addition, a preliminary ecological impact assessment (PEIA) report has also been submitted. Only habitats of the 'very low' and 'lower to moderate' ecological value might be affected by the construction of the proposed SWSR. While two floral species of conservation importance are recorded within the Site and in its vicinity, all individuals are proposed to be preserved in-situ. Mitigation measures such as establishing protection zone and close monitoring by qualified professional(s) during construction stage are also proposed. Based on the assessments and mitigation measures proposed in the PER and PEIA reports, DEP and DAFC have no objection to or no adverse comment on the application from environmental and nature conversation viewpoints.
- 11.5 C for T has no in-principle objection to the application from the traffic engineering viewpoint. Other relevant Government departments consulted, including H(GEO) of CEDD, CE/MS, DSD, D of FS and DEMS have no objection to / no adverse comment on the application.
- 11.6 In view of the above, the proposed development is generally in line with the relevant criteria of the TPB PG-No.10 in that the proposed SWSR is an essential project to cope with the increase in fresh water demand resulted from the population increase in the area and no other alternative sites are available that can satisfy the technical and operation requirements of a SWSR. Moreover, the proposed SWSR is not incompatible with the surrounding landscape character, would not cause adverse traffic, environmental, drainage, landscape and visual impacts, and would not adversely affect the slope stability.
- 11.7 In response to STDC Members' concern on the traffic impact resulting from laying works of the water mains underneath the carriageways of Shui Chuen O Estate as expressed by DO(ST), HAD, the applicant has reviewed and shifted the alignment of the proposed water mains from carriageway to footpath as far as possible and is maintaining close liaison with relevant stakeholders to resolve the potential traffic concern. Regarding the public comments objecting to the application on the grounds as detailed in paragraph 10, concerned Government departments' comments and the planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taking into account the public comments mentioned in paragraph 10 and local concerns conveyed by DO(ST), HAD, 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 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 conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

- the submission and implementation of proposals for water supplies for firefighting 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 II**.

- 12.3 There is no strong planning 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 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 31.12.2020
Appendix Ia	Supplementary information attached to the application form
Appendix Ib	FI received on 10.2.2021
Appendix II	Recommended advisory clauses
Appendix III	Public comments
Drawings A-1 to A-2	Layout and section plans
Drawings A-3 to A-5	Photomontages and visual mitigation plan
Drawing A-6	Landscape mitigation plan

Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4b	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2021**