

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/I-MWF/30

- Applicant** : Drainage Services Department (DSD), the Government of the HKSAR
- Site** : Government Land in D.D.4 MW, Luk Tei Tong, Mui Wo, Lantau
- Site Area** : About 431m²
- Land Status** : Government Land
- Plan** : Approved Mui Wo Fringe Outline Zoning Plan (OZP) No. S/I-MWF/10
- Zoning** : “Recreation”
- Application** : Proposed Public Utility Installation (Sewage Pumping Station)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (sewage pumping station (SPS)) at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “Recreation” (“REC”) on the approved Mui Wo Fringe OZP No. S/I-MWF/10. The proposed SPS development comprises a single-storey building structure to house pumping facilities, control panel and deodourization equipment. The proposed gross floor area (GFA) is about 154m² and building height (BH) above ground level is about 3.2m. Excavation of land ranging from 4.5m to 7m is proposed to accommodate wet well, valve chamber and inlet chamber underground. According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use under “REC” zone, which requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, there is no existing tree within the Site. To mitigate visual impact, adoption of brown roof and planting of shrubs and trees at the eastern and southern site boundary for screening purpose are proposed (**Drawings A-5 and A-6**). A temporary construction access would be provided along the southern side of Luk Tei Tong Bypass Channel; and a permanent pedestrian access for operation of the SPS is proposed to be constructed to the south of the Site connecting to an existing footpath (**Drawing A-7**).
- 1.3 According to the applicant, two alternative sites have been considered in the site selection exercise (**Drawing A-8**). The Site is considered most suitable as it is on vacant unallocated government land; closer to public access and the upstream sewer; at a low topographical level for effective sewage collection by gravity and is further away from the existing village.

- 1.4 The layout plan, floor plan, section plan, elevation plan, photomontages and Landscape Master Plan, proposed access alignments plan and site selection plan submitted by the applicant are at **Drawings A-1 to A-8**.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form dated 8.4.2019 **(Appendix I)**
 - (b) Planning Statement **(Appendix Ia)**
 - (c) Further Information (FI) received on 14.5.2019 providing responses to departmental comments, replacement pages of Planning Statement, plans and photomontage (*exempted from publication and recounting requirements*) **(Appendix II)**
 - (d) FI received on 20.5.2019 providing responses to departmental comments and a Landscape Master Plan (*exempted from publication and recounting requirements*) **(Appendix III)**
 - (e) FI received on 23.5.2019 providing clarifications on planning justifications (*exempted from publication and recounting requirements*) **(Appendix IV)**

2. Justifications from the Applicant

- 2.1 The justifications put forth by the applicant in support of the application are detailed in the planning statement and FI at **Appendices Ia to IV**. They can be summarized as follows:
- (a) The proposed SPS is part of the proposed works under the “PWP Item No.4353DS – Village Sewerage for Luk Tei Tong and Ma Po Tsuen, Mui Wo” (The Project) which aims to upgrade and expand the existing sewerage systems to cover the unsewered areas in Mui Wo. The construction of the proposed SPS would enable collection of sewage from Luk Tei Tong and nearby villages to be connected to the Mui Wo town centre sewerage system for onward transmission to Mui Wo Sewage Treatment Works (MWSTW) for treatment and disposal. It will alleviate the water pollution problem and bring environmental improvement to the area.
 - (b) The proposed SPS would generate minimal noise, odour, water quality, landscape, visual, traffic, drainage and ecological 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 brown roof and set back the eastern and southern boundary wall so as to allow shrubs and trees planting in order to provide screening for the proposed SPS (**Drawings A-5 and A-6**).
 - (c) According to the Preliminary Environmental Review (PER) report for “Agreement No. CE 14.2007 (DS) Upgrading of Mui Wo Village Sewerage Phase 2 and Mui Wo Sewage Treatment Works – Investigation, Design and Construction” which was approved in 2010 by Environmental Protection Department, the impact of direct habitat loss resulting from the proposed SPS is considered to be minor, and no adverse impact on Luk Tei Tong Freshwater Marsh would be expected. Proposed ecological mitigation measures would be implemented in accordance with the PER report.

- (d) Due to the small capacity of the SPS, vehicular access to the SPS is not required for operation. A temporary access for transportation of construction equipment and materials would be provided along the southern side of Luk Tei Tong Bypass Channel; and a permanent pedestrian access for operation of the SPS is proposed to be constructed to the south of the Site under the next package of the village sewerage works for Luk Tei Tong. The proposed access alignments are shown on **Drawing A-7**.
- (e) The choice of suitable sites for accommodating the proposed SPS is heavily constrained by the alignment of proposed sewerage system, the availability of government land, topographic feature, location of existing utilities and locals' views. The applicant indicates that two alternative sites have been considered in the site selection exercise (**Drawing A-8**). The Site is on a vacant unallocated government land; closer to public access and the upstream sewer; at a low topographical level for effective sewage collection by gravity and is further away from the existing village. Therefore, the Site is the only piece of land considered suitable for the proposed SPS development in that it requires no land resumption and tree felling. The construction and operational costs are relatively low. It would cause minimum impact to the existing village and is supported by the locals.
- (f) The proposed sewerage works under the Project including the proposed SPS was supported by the Tourism, Agriculture, Fisheries and Environmental Hygiene Committee (TAFEHC) of Islands District Council (IsDC) in 2009.

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. **Previous Application**

There is no previous application covering the Site.

5. **Similar Application**

There is no similar application within the “REC” zones in Mui Wo Fringe area.

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

6.1 The Site is:

- (a) a vacant flat land covered with grass;
- (b) an unallocated government land;

- (c) located at the south bank of the junction of Luk Tei Tong Bypass Channel and Luk Tei Tong River; and
- (d) not served by vehicular access but is in proximity to an existing footpath leading to Mui Wo town centre to the northeast.

6.2 The surrounding areas has the following characteristics:

- (a) the immediate surrounding of the Site is predominantly vacant land covered with grass;
- (b) the village cluster of Luk Tei Tong within the “Village Type Development” (“V”) zone is about 150m to the west of the Site; and the village cluster of Ma Po Tsuen within the “Residential (Group D)” (“R(D)”) is about 75m to the northwest of the Site; and
- (c) to the further northeast is the Home Ownership Scheme development namely, Ngan Ho Court.

7. **Planning Intention**

The planning intention of the “REC” zone is primarily for 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 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 summarized as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) the Site for the proposed SPS falls on unleased and unallocated government land. The Site is however within the proposed works limit of the DSD’s project namely “Part of PWP Item No.4353DS – Outlying Islands Sewerage Stage 2 – Extension of Sewerage System to other Unsewered Villages in Mui Wo – Village Sewerage Works at Ma Po Tsuen” depicted in the relevant Plan and Scheme published on 29.3.2019 via G.N. 2185 under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) as applied by section 26 of the Water Pollution Control (Sewerage) Regulation (Cap 358, sub. leg. AL);
- (b) the applicant has clarified and provided proposed alignments of the temporary access for construction and the permanent pedestrian access (**Drawing A-7**). According to the applicant, the proposed permanent pedestrian access as shown coloured purple on **Drawing A-7** will exactly follow the proposed sewer alignment to be

constructed under the village sewerage works at Luk Tei Tong, which is to be implemented under a separate project (the Luk Tei Tong Project). As the implementation programme of the Luk Tei Tong Project is uncertain at the present stage, there is no guarantee that the Luk Tei Tong Project would be authorized and the private lots (required for the proposed permanent pedestrian access) would be resumed under the Luk Tei Tong Project. The applicant has also proposed the temporary access for construction as shown coloured light green on **Drawing A-7** which will be running along the southern side of Luk Tei Tong Bypass Channel. It is however noted that the proposed temporary access road encroaches onto some private lots. The applicant should secure the concerned lot owners' agreements to be allowed to pass over their lots for the purpose of construction of the sewage pumping station; and

- (c) if the application is approved by the Board, the applicant will need to apply for a Simplified Temporary Land Allocation (STLA) and a Government Land Allocation (GLA) for the construction and operation of the SPS, as appropriate. There is no guarantee that the GLA and STLA will be approved by LandsD. The GLA and STLA, if approved, will be subject to such terms and conditions as imposed by LandsD as appropriate. Also, the applicant should be reminded that should the STLA in respect of the proposed construction access be approved by LandsD, the applicant should reinstate the site to the satisfaction of DLO/Is, LandsD upon completion of the works by the applicant.

Traffic

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

he has no in-principle objection to the application from the traffic engineering point of view. It should be noted that the access roads in the vicinity of the Site are not managed by the Transport Department.

Environment

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

he has no objection to the application from environmental planning point of view.

Urban Design and Visual

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

- (a) the application involves the construction of a proposed single-storey SPS with BH not exceeding 3.2m, at a site falling within an area zoned "REC" on the approved Mui Wo Fringe OZP No. S/I-MWF/10. The applicant acknowledges the visual prominence of the SPS's building bulk and has adopted brown roof as a mitigation measure (**Drawing A-6**); and

- (b) having reviewed the FI, it is noted that the applicant has further setback the boundary wall on the eastern and southern sides of the Site so that the planting area would be fully exposed to screen off the proposed SPS when viewed from Ngan Ho Court to the further northeast and Luk Tei Tong Village to the south (**Drawing A-6**). With these measures, no significant adverse visual impact brought by the proposed SPS is anticipated.

8.1.5 Comments of the Chief Architect/ Central Management Division, Architectural Services Department (CA/CMD2, ArchSD):

based on the information provided, it is noted that the proposed SPS with site area 431m² and 1-storey (3.2m) brown roof building seems not be incompatible with the surrounding area. In this regard, he has no comment from visual impact point of view.

Landscape

8.1.6 Comments of the CTP/UD&L, PlanD:

- (a) the applicant seeks planning approval to construct a SPS at the Site (431m²). The Site falls within an area zoned “REC” on the approved Mui Wo Fringe OZP No. S/I-MWF/10. The proposed SPS has a BH of 1 storey (3.2m) and involves excavation works (about 4.5m to 7m depth) for underground chambers to house submersible sewage pumps, valves, pipes and screens;
- (b) the Site is located on a vacant flat land. The existing surrounding landscape is rural in character, predominately agricultural lands and wetlands on its east, north, south and southwest. Some low rise houses can be found at the southwest in the “V” zone and scattering at the north of the Site in the “R(D)” zone. In this regard, the proposed SPS is not incompatible with the existing environment; and
- (c) since there is no public footpath directly leading to the Site, bringing greenery to the public realm is not practical. Also, given that the applicant has their own in-house expertise to supervise and monitor the design, implementation and maintenance of the proposed development, should the application be approved by the Town Planning Board, it is considered not necessary to impose any landscape related condition.

Fire Safety

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

based on the submitted information, he has no specific comment on the planning application provided that fire service installations and water supplies for firefighting being provided to the satisfaction of his Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. As no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by Fire Services Department at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in

Building 2011 which is administered by the Buildings Department.

Others

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

- (a) he has no comment on the application; and
- (b) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near underground cables or overhead lines under the mentioned planning 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.

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD); and
- (e) District Officer (Islands), Home Affairs Department (DO(Is), HAD).

9. Public Comments Received During Statutory Publication Period

The application was published for public inspection from 12.4.2019 to 3.5.2019. During the statutory public inspection period, no public comment was received.

10. Planning Considerations and Assessments

10.1 The applicant seeks planning permission for a proposed public utility installation (SPS) within an area zoned “REC” on the approved Mui Wo Fringe OZP No. S/I-MWF/10. The proposed SPS development comprises a single-storey (3.2m) building structure to house pumping facilities, control panel and deodourization equipment, and excavation of land ranging from 4.5m to 7m is also proposed to accommodate wet well, valve chamber and inlet chamber underground. The planning intention of “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. While the proposed SPS may not be entirely in line with the planning intention of the “REC” zone, the proposed development is an essential part of the “PWP Item No.4353DS – Village Sewerage for Luk Tei Tong and Ma Po Tsuen, Mui Wo”. The proposed development is a public facility to collect sewage generated from Luk Tei Tong Village,

Ma Po Tsuen and nearby villages and convey to Mui Wo town centre sewerage system and subsequently to the MWSTW. It will alleviate the water pollution problem and bring environmental improvement to the area. As such, the application warrants exceptional consideration.

- 10.2 According to the applicant, the choice of suitable sites for accommodating the proposed SPS is heavily constrained by the alignment of proposed 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 land to develop the SPS in that it is located further away from the existing village settlement, on a vacant unallocated government land and at a low topographical level for effective sewage collection by gravity. Besides, the proposal, including the location of the Site, was supported by the TAFEHC of IsDC in 2009.
- 10.3 The Site is located to the east of Luk Tei Tong Village and is currently vacant and covered with grass. The proposed SPS is small in scale with GFA of about 154m² and BH of one storey (3.2m) above ground level. It is considered not incompatible with the surrounding areas predominantly occupied by grassland and village clusters. With mitigation measures such as screening with shrubs and trees and adoption of brown roof to blend in with the rural setting (**Drawings A-5 and A-6**), CTP/UD&L, PlanD advises that no significant adverse visual impact from the proposed development is anticipated. CA/CMD2, ArchSD also advises that the proposed development is not incompatible with the surrounding area from visual impact point of view.
- 10.4 Other relevant government departments consulted including DAFC, DEP, H(GEO) of CEDD, C for T and DO(Is), HAD have no objection to/adverse comment on the application.
- 10.5 During the statutory public inspection period, no public comment was received.

11. Planning Department's Views

- 11.1 Based on the assessment made in paragraph 10 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, the permission shall be valid until 31.5.2023, 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**.

- 11.3 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 "REC" zone which is primarily for recreational developments for the use of the general public.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application form dated 4.4.2019
Appendix Ia	Planning Statement
Appendix II	FI received on 14.5.2019
Appendix III	FI received on 20.5.2019
Appendix IV	FI received on 23.5.2019
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Floor Plan
Drawing A-3	Section Plan
Drawing A-4	Elevation Plan
Drawing A-5	Photomontage
Drawing A-6	Landscape Master Plan
Drawing A-7	Proposed Access Alignments
Drawing A-8	Site Selection Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos