

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

**APPLICATION NO. A/SK-TLS/55**

- Applicant:** Drainage Services Department, the Government of the Hong Kong Special Administrative Region
- Site:** Lots 586 (Part), 587 (Part), 588 (Part), 589, 590, 591 (Part), 592 (Part) and 593 (Part) and adjoining government land in D.D. 253, Tseng Lan Shue, Sai Kung, New Territories
- Site Area:** About 920m<sup>2</sup> (including 242m<sup>2</sup> government land)
- Land Status:** Private Lots (about 678m<sup>2</sup> or 74%): Old Scheduled Lots governed by Block Government Lease demised for agricultural use  
  
Government Land (about 242m<sup>2</sup> or 26%)
- Plan:** Approved Tseng Lan Shue Outline Zoning Plan (OZP) No. S/SK-TLS/8
- Zoning:** “Green Belt” (“GB”)  
[Any filling or excavation of land shall not be undertaken or continued (except public works coordinated or implemented by Government, and maintenance, repair or rebuilding works) without permission from the Town Planning Board]
- Application:** Proposed Public Utility Installation (Sewage Pumping Station and underground sewers) and Excavation of Land (1.5m to 12m in depth)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for the proposed public utility installation (sewage pumping station and underground sewers) and its associated excavation of land at the application site (the Site) (**Plan A-1**), which falls within an area zoned “GB” on the approved Tseng Lan Shue OZP (**Plan A-2**). According to the Notes of the OZP, the proposed sewage pumping station which is a kind of ‘Public Utility Installation’ and its associated excavation of land within the “GB” zone require planning permission from the Town Planning Board (the Board).
- 1.2 The proposal includes a sewage pumping station with Gross Floor Area (GFA) of about 305m<sup>2</sup> and height (above ground) of 5.1m and underground sewers with length of 230m. The depth of the excavation for the sewage pumping station would be 12m while that for the underground sewers would be 1.5m to 4m.
- 1.3 According to the applicant, one tree within the Site will be felled and three

compensatory trees will be planted. Rooftop landscaping and vertical greening on the exterior walls are also proposed.

- 1.4 The applicant indicates that six alternative sites have been considered in the site selection exercise. The Site is the only piece of vacant land suitable for the proposed development of sewage pumping station as it is at lower level and is supported by village representative (**Drawing A-1**). Four sites (sites 2, 3, 4 and 5 on **Drawing A-1**) are at high level which are considered technically infeasible to collect sewage by gravity sewer and not cost-effective. One site (site 6 on **Drawing A-1**) is far away from road and poses difficulty during construction. One site (site 7 on **Drawing A-1**) involves tree felling and encroachment into the woodland area.
- 1.5 The plans, sections, elevations, planting proposal and photomontage submitted by the applicant are at **Drawings A-1 to A-12**.
- 1.6 In support of the application, the applicant has submitted the following documents:
  - (a) Application form and supplementary information received on 14.12.2018 **Appendix I**
  - (b) Supplementary Planning Statement **Appendix Ia**
  - (c) Further Information received on 18.1.2019 (exempted from publication and recounting requirements) **Appendix Ib**
  - (d) Further Information received on 18.2.2019 (not exempted from publication and recounting requirements) **Appendix Ic**
  - (e) Further Information received on 13.3.2019 (exempted from publication and recounting requirements) **Appendix Id**

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

The justifications put forth by the applicant in support of the application are detailed in part 7 of the supplementary planning statement (**Appendix Ia**). They can be summarized as follows:

- (a) the Site is a piece of vacant land within the catchment area which meets the technical criteria. It is the only suitable site for the proposed sewage pumping station after conducting a site search (**Drawing A-1**). The underground sewers have to be constructed along the access connected to the sewage pumping station;
- (b) the proposed development is an essential facility to collect and convey sewage for treatment and disposal. It will alleviate the water pollution problem and bring about environmental improvement to the area;
- (c) the small scale single storey pumping station and the associated underground sewers are not incompatible with the surrounding rural character. Areas where the underground sewers will be located are to be reinstated to existing conditions after completion of works;

- (d) the potential environmental and landscape / visual impacts during the construction and operation of the proposed sewage pumping station can be alleviated and controlled by proper implementation of appropriate preventive / mitigation measures. Existing stream will be properly protected by restricting any construction works in the stream and proper treatment of site run-off before discharging. There will be landscape planting and vertical greenings within the Site. Avoidance of excessive height of the sewage pumping station has been adopted in the design. Colours, materials and finishes that complement and in harmony with the surrounding environment would be selected for the sewage pumping station (**Drawings A-8 to A-11**). The Project Profile for the proposed sewage pumping station meets the requirements of the Technical Memorandum on the Environmental Impact Assessment Process (EIAO-TM);
- (e) the proposed sewage pumping station is located off the trunk road and the construction works should not require major traffic diversion or affect the right-of-way. Traffic generated at the construction and operation stages will be limited;
- (f) the proposed sewage pumping station and underground sewers do not stand on any existing drainage system and its construction will bring negligible effect to the permeability of land in dissipation of runoff. No local drainage impact will likely occur; and
- (g) the Housing and Environmental Hygiene Committee of Sai Kung District Council (SKDC) was consulted on the proposal on 15.4.2008. Members of the SKDC supported the proposed development. The proposed sewerage works were authorized under the Water Pollution Control (Sewerage) Regulation in June 2014.

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

#### For Private Land Portion

- 3.1 The applicant is not a “current land owner” but 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 posting site notices and publishing newspaper notice. Detailed information would be deposited at the meeting for Members’ inspection.

#### For Government Land Portion

- 3.2 The ‘Owner’s concern / 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) are not applicable.

**4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Development within “Green Belt” Zone (TPB PG-No. 10) are relevant to this application (**Appendix II**).

**5. Previous Applications**

There is no previous application at the Site.

**6. Similar Applications**

There is no similar application within the “GB” zone on the Tseng Lan Shue OZP.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-3, and Site Photos at Plans A-4a to A-4c)**

7.1 The Site is:

- (a) a piece of abandoned agricultural land and is generally flat and covered mainly by grass and shrubs. Part of the Site (the underground sewers portion) covers the Wilson Trail; and
- (b) accessible via the footpath along Wilson Trail leading to Clear Water Bay Road.

7.2 The surrounding areas have following characteristics:

- (a) to its west is the “V” zone for Tseng Lan Shue;
- (b) to its north, east and south are mainly vegetated slopes within the “GB” zone. An existing stream course running in the west-east direction is to the immediate north. Two existing village houses are located to the southeast and one village house is to the southwest; and
- (c) to its further northeast is the “R(C)3” site occupied by low-rise residential development , namely Casa Del Mar.

**8. Planning Intention**

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

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

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

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no comment on the planning application;
- (b) the Site under the subject planning application is located at unallocated Government Land and Lots 586 (Portion), 587 (Portion), 588 (Portion), 589, 590, 591 (Portion), 592 (Portion) and 593 (Portion) all in D.D. 253, and within resumption and clearance limits of the project “Part of PWP Item No. 4273DS – Port Shelter Sewerage, Stage 3, Sewerage at Tseng Lan Shue and Sam Long”; and
- (c) if planning permission is given, the applicant should apply to his office for a Government Land Allocation for the proposed sewage pumping station upon completion of the resumption of the affected lots and clearance of the affected Government Land.

### **Traffic**

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

- (a) no comment on the application; and
- (b) as the access road / footpath leading to the Site is not managed by his department, the applicant should seek comments / agreement of the owner or relevant management / maintenance authorities.

### **Environment**

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

- (a) no comment on the application;
- (b) the proposed sewage pumping station is a Designated Project under the Environmental Impact Assessment Ordinance. The applicant submitted a Project Profile No. PP-572/2018 for application for permission to apply for an Environmental Permit on 12.11.2018 and permission was granted with conditions on 14.12.2018; and
- (c) the proposed sewage pumping station under application is the same as that in the Project Profile. The applicant has demonstrated in the

Project Profile that potential environmental impacts are unlikely to be adverse and precautionary / mitigation measures described in the Project Profile meet the EIAO-TM.

### **Urban Design and Visual**

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

- (a) no comment on the application;
- (b) the application involves the construction of a sewage pumping station and underground sewers and excavation of land within an area zoned “GB” on the OZP. According to the submission, visual impacts arising from the development can be alleviated and controlled to within the acceptable levels by proper implementation of appropriate preventive / mitigation measures as described in the Project Profile for sewage pumping station at Tseng Lan Shue submitted to EPD on 12.11.2018 (Application No. DIR-264/2018). DEP with the consent of the Secretary for the Environment has permitted the applicant to apply directly for an environmental permit with conditions on 14.12.2018; and
- (c) according to the Project Profile, the proposed sewage pumping station without mitigation measures would impose slight to moderate adverse visual impact and various mitigation measures including, inter alia, avoidance of excessive height of the sewage pumping station, selection of colours, materials and finishes that complement and in harmony with the surrounding environment, landscape planting and vertical greening are proposed to minimize its visual impact (**Drawing A-2**). Judging from the photomontage provided in the Project Profile, which is also attached in Further Information (**Appendix Ib**), with the mitigation measures specified in the Project Profile implemented, significant adverse visual impact on the surroundings is not anticipated. As such, provided that the applicant implements the mitigation measures detailed in the Project Profile for sewage pumping station at Tseng Land Shue, there is no comment on the application from visual impact perspective.

### **Landscape**

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

- (a) no comment on the application; and
- (b) the applicant should be reminded that approval of the landscape proposal does not imply the approval of any kind of tree works (such as felling/transplanting/pruning) under lease/land grant. Tree works applications should be submitted direct to LandsD for approval.

### **Nature Conservation**

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

- (a) no strong view on the application; and
- (b) the Site consists of a vacant land with limited vegetation and footpath. According to the Project Profile, the vacant land is an abandoned agricultural land and no species of conservation importance was recorded therein.

(c)

### **Water Supply**

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

- (a) no objection to the application;
- (b) existing water mains are affected. The applicant is required to either divert or protect the water mains found on the Site;
- (c) if diversion is required, existing water mains inside the Site are needed to be diverted outside the Site boundary of the proposed development to lie in government land. A strip of land of minimum 1.5m in width should be provided for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
- (d) if diversion is not required, the following conditions shall apply:
  - (i) existing water main(s) are affected and no development which requires resiting of water main(s) will be allowed;
  - (ii) details of site formation work shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
  - (iii) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of the existing water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
  - (iv) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water

main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;

- (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any value or within a distance of 1m from any hydrant outlet; and
- (vi) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water main(s).

### **Geotechnical Aspect**

9.1.8 Comments of the Head of Geotechnical and Engineering Office, Civil Engineering and Development Department (H (GEO), CEDD):

- (a) no objection to the application; and
- (b) there are no manned facilities involved in the sewage pumping station, therefore Natural Terrain Hazard Study (NTHS) is not required. However, if there are changes to include manned facilities in the later design stage, NTHS may be required.

### **Risk Aspect**

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

- (a) 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.



### **District Officer's Comment**

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

- (a) no comment on the application; and
- (b) a District Council Member of the relevant constituency (Q05 Hang Hau West), Mr. YAU Yuk-lun has suggested that a toilet could be built next to the proposed sewage pumping station for hikers and villagers.

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

- (a) Director of Fire Services (D of FS);
- (b) Chief Engineer (Works), Home Affairs Department(CE(Works), HAD);
- (c) Director of Leisure and Cultural Services (DLCS); and
- (d) Chief Building Surveyor/ New Territories East & Rail 2, Buildings Department.

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

The application and the further information received on 18.2.2019 were published for public inspection on 21.12.2018 and 26.2.2019 respectively (**Appendix III**). During the statutory public inspection periods, a total of three comments were received from individuals of the public and the Kadoorie Farm and Botanic Garden Corporation (KFBG). KFBG raises concern on the adjacent stream and questions how adverse water quality impacts can be avoided. A member of the public opposes the proposal on the grounds that there would be noise from construction works affecting the public's enjoyment of the area, it causes obstruction of the footpaths, and the proposed development will adversely affect the health of the local residents. Another member of the public raises concern on tree felling, and suitability of the Site for the proposed development.

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

11.1 The application is for proposed public utility installation (sewage pumping station and underground sewers) and excavation of land at the Site which falls within an area zoned "GB" on the OZP. 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. The proposed development is an essential facility to collect and convey sewerage for treatment and disposal in the area. The Site is the only piece of vacant land suitable for the proposed sewage pumping station after site selection in that it is at lower level and is supported by village representative.

- 11.2 The Site is located to the east of Tseng Lan Shue village covering mainly a piece of abandoned agricultural land with grass and shrubs. The surrounding areas are rural in character mixed with village houses, low-rise residential developments and vegetated slopes. The proposed sewage pumping station is a single storey small scale building with building height of not more than 5.1m from ground to main roof level. The underground sewers are to be laid along the existing Wilson Trail. CTP/UD&L advises that with mitigation measures, including avoidance of excessive height of the sewage pumping station, selection of colours, materials and finishes that complement and in harmony with the surrounding environment, landscape planting and vertical greening, significant visual impact is not anticipated. CTP/UD&L also has no comment from a landscape planning perspective. DAFC has no strong view on the application from nature conservation point of view.
- 11.3 The proposed development is generally in line with TPB PG-No. 10 in that its scale is small, it is an essential infrastructure for the area and no alternative sites are available. The applicant has submitted a Project Profile for the proposed development under EIAO to demonstrate that potential impacts will be minimal / can be alleviated to within acceptable levels. Permission has been given by DEP for the applicant to apply directly for an Environmental Permit for the proposed development. The proposed development is not anticipated to generate adverse traffic, drainage, water supply and environmental impacts on the surrounding areas. Relevant government departments including DEP, C for T, CE/Construction, WSD have no comment on / no objection to the application.
- 11.4 Regarding the public comments on adverse environmental and landscape impacts on the surrounding areas and suitability of the Site for the proposed development, the assessments in paragraphs 11.1 to 11.3 above are relevant. For the comment received by DO/SK suggesting a public toilet along Wilson Trail, DFEH advises that there is currently no programme to develop new public toilet next to the Site. The nearest toilet is about 300m from the Site along Clear Water Bay Road (**Plan A-1**).

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

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, 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 12.4.2023, 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 advisory clauses at **Appendix IV** are suggested for Members' reference.
- 12.3 There is no strong reason to reject the application.

**13. Decision Sought**

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

**14. Attachments**

<b>Appendix I</b>	Application form and supplementary information received on 14.12.2018
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Further Information received on 18.1.2019 (exempted from publication and recounting requirements)
<b>Appendix Ic</b>	Further Information received on 18.2.2019 (not exempted from publication and recounting requirements)
<b>Appendix Id</b>	Further Information received on 13.3.2019 (exempted from publication and recounting requirements)
<b>Appendix II</b>	Town Planning Board Guidelines for Application for Development within “Green Belt” Zone (TPB PG-No. 10)
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Selection Plan submitted by the applicant
<b>Drawing A-2</b>	Location Plan submitted by the applicant
<b>Drawing A-3</b>	Site Plan submitted by the applicant
<b>Drawings A-4 and A-5</b>	Layout Plan submitted by the applicant
<b>Drawings A-6 and A-7</b>	Section Plans submitted by the applicant
<b>Drawing A-8</b>	Planting Plan submitted by the applicant
<b>Drawings A-9 and A-10</b>	Elevation Plans submitted by the applicant
<b>Drawing A-11</b>	Photomontage submitted by the applicant
<b>Drawing A-12</b>	Traffic Review Plan 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 to 4c</b>	Site Photos