

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/373

- Applicant** : Drainage Services Department, The Government of the Hong Kong Special Administrative Region
- Site** : Government Land in D.D. 130, Tuen Mun, New Territories
- Site Area** : About 350m²
- Land Status** : Government Land
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/10
- Zoning** : “Residential (Group D)” (“R(D)”) [restricted to maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- 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 “Residential (Group D)” (“R(D)”) on the approved Lam Tei and Yick Yuen OZP. According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently a vacant government land covered with vegetation.
- 1.2 The proposed development, to be known as Fuk Hang Tsuen Lower SPS (FHTLSPS), comprises an underground pumping station, an above ground control kiosk and a deodorization unit (**Drawing A-1**). The major developments parameters of the application are as follows:

Site Area	About 350m ²
Gross Floor Area (GFA)	18.24m ²
Maximum Building Height	0.15m for the deodorization unit and 3.0m for the control kiosk
Excavation of Land	up to 11m would be involved for the underground pump pit to accommodate hydraulic components such as pump and valves

- 1.3 The layout plan, landscape finishes plan, section plan of the control kiosk and tree compensatory plan are at **Drawings A-1 to A-4** respectively.
- 1.4 According to the applicant, 28 existing trees will be felled. To compensate the loss of existing trees, 28 nos. of *Wodyetia bifurcate* (狐尾椰子) or *Hyophorbe lagenicaulis* (酒瓶椰子) for in-situ compensatory planting is proposed (**Drawing A-4**).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and attachments received on 16.4.2019 **(Appendix I)**
 - (b) Planning Statement received on 16.4.2019 **(Appendix Ia)**
 - (c) Revised Planning Statement with Supplementary Environmental Studies, Tree Preservation and Removal Plan and Swept Path Diagrams received on 30.7.2019 **(Appendix Ib)**
(accepted but not exempted from publication and recounting requirements)
 - (d) Email providing replacement pages for the application form received on 11.9.2019 **(Appendix Ic)**
(accepted and exempted from publication and recounting requirements)
- 1.6 On 31.5.2019, the Committee agreed to the applicant's request to defer making a decision on the application for two months so as to allow time for preparation of further information to resolve departmental comments. Further information was received on 30.7.2019. Therefore, the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) The proposed pumping station is to convey the sewage from the village houses located within Fuk Hang Tsuen (Lower), north of Fuk Hang Tsuen Road, to be effectively transferred to the Pillar Point Sewage Treatment Works for treatment and disposal via Fu Tei Ha Tsuen SPS to the existing downstream sewerage system.
- (b) The construction of FHTLSPS is considered essential for the village sewerage system in Fuk Hang Tsuen (Lower). Without the presence of the proposed FHTLSPS, direct discharge of the collected sewage by gravity to the nearest existing public sewer is infeasible owing to the topographical constraints and other engineering considerations (e.g. invert level of the downstream system).
- (c) No adverse odour, noise, water quality, chemical waste disposal, residual land contamination, traffic and local drainage impacts are envisaged. 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 the design principle to provide a

contemporary and colour structure that blend in with existing environment. Climber planting, compatible architectural design of façade treatment, colour scheme, construction materials and surface finishes will be adopted.

- (d) The choice of suitable site to accommodate the facilities is largely restricted by the alignment of proposed sewerage system, the availability of land, topographic constraints and interfaces with existing utilities. The Application Site is on government land of adequate size without the land acquisition. It is engineering feasible without conflicting with the existing utilities and being able to receiving sewage flow from upstream sewer.
- (e) The proposed development is supported by the Environment, Hygiene and District Development Committee of the Tuen Mun District Council (TMDC), representatives of the Tuen Mun Rural Committee and village representatives of the Fuk Hang Tsuen (Lower) and Fuk Hang Tsuen (Upper).

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 same “R(D)” zone.

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

6.1 The Site is:

- (a) a vacant government land covered with vegetation; and
- (b) accessible via Wong Kong Wai Road.

6.2 The surrounding areas have the following characteristics:

- (a) to the east, south and west are amenity areas covered with vegetation;
- (b) to the further south are parking of vehicles which are suspected unauthorised developments (UDs) and temporary structures for residential dwellings purposes;
- (c) to the north is the Kong Sham Western Highway.

7. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The proposed SPS is situated on government land which is planted with some mature trees. If the planning application is approved, DSD should submit an application for tree felling and Government Land Allocation for construction of the SPS to DLO/TM for consideration. However, there is no guarantee that the application will be approved and, if approved, will be subject to conditions as may be appropriate.
- (b) The Site is accessible via a footpath leading from Wong Kong Wai Road. His office does not and will not carry out maintenance works for the said road nor guarantee that any right-of-way will be given to the Site.

Traffic

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

He has no comment on application from traffic engineering viewpoints.

8.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access of the Site from Wong Kong Wai Road should be commented and approved by TD.
- (b) If the proposed access arrangement is agreed by TD, the applicant should design and construct a run-in/out at the access point at Wong Kong Wai Road in accordance with the latest version of Highways Standard to the satisfaction of HyD and TD.
- (c) If any highway features are affected, proposal to deal with the affected features shall be submitted for his agreement.
- (d) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) He notes the undertaking of providing 28 trees during operation stage and the existence of the 28 trees during the construction stage. Thus, he considers the relevant conditions for Deep Bay Link Environmental Permit would be complied with and he has no objection to the application.
- (b) Should the application be approved, a condition should be included to request the applicant to submit a noise impact assessment and implement the noise mitigation measures identified therein to his satisfaction.
- (c) There was no environmental complaint pertaining to the Site received in the past 3 years.

Urban Design and Visual

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

The applicant has stated that there is a loss of 28 numbers of trees which were proposed to mitigate the landscape and visual impacts by the HyD's project namely "Deep Bay Link and Widening of Yuen Long Highway between Lam Tei and Shap Pat Heung Interchange (Lam Tei to Tan Kwai Tsuen Section)" according to the enclosed Tree Preservation and Removal Proposal and replanting of 28 trees are proposed for compensation. He has no comment from visual impact perspective.

8.1.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

Based on the information provided, it is noted that the proposed SPS with site area about 350m² and 1-storey 3m control kiosk seems not incompatible with the surrounding area. In this regard, he has no comment from architectural and visual impact point of view.

Landscape

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

With reference to the aerial photo of 2018, it is observed that the Site is vegetated with trees. The site is situated in an area of village landscape character. Significant change to the landscape character arising from the application is not envisaged. Noted that tree planting is proposed at the SPS to enhance the visual environment. Hence he has no objection to the application from landscape planning perspective.

Nature Conservation

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

The Site falls within “R(D)” zone under the relevant OZP. According to his site inspection, the Site is vegetated comprising *Syzygium jambos* (蒲桃), *Ficus microcarpa* (榕樹) and *Ficus altissima* (高山榕). Noting that these species are common species and likely to be planted, he has no adverse comments on the application from nature conservation point of view. Nevertheless, the applicant should be advised to minimise tree felling and avoid disturbance to adjacent environment as far as practicable.

Drainage

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

- (a) He has no objection in principle to the application from public drainage point of view.
- (b) Should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.
- (c) The applicant should be reminded of the followings regarding the drainage facilities:
 - (i) The applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website (https://www.dsd.gov.hk/EN/Technical_Documents/DSD_Guidelines/index.html)
 - (ii) The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works.
 - (iii) The applicant should implement the drainage facilities on Site in accordance with the drainage proposal.
 - (iv) The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.

- (v) The proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for firefighting and fire services installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the emergency vehicular access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of Code of Practice for Fire Safety in Buildings 2011 under Building (Planning) Regulation 41D which is administrated by BD.

Building Matters

8.1.11 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

Since the proposed works only involves government premises, which is exempted under section 41(1) of the Buildings Ordinance, he is not in position to comment under the Buildings Ordinance.

Others

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

- (a) He has no in-principle geotechnical objection to the application.
- (b) According to his quarry contractor, the traffic generated from operation of Lam Tei Quarry, including operation at night, at Wong Kong Wai Road is about 12 nos. of trucks per hour (i.e. about 24 nos. of traffic flow per hour). Coordination with the quarry contractor before implementation of any temporary traffic management/temporary traffic arrangement is required.

8.1.13 Comments of the Chief Town Planner/Housing and Office Land Supply, Planning Department (CTP/HOLS, PlanD) and the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

The Site falls within the Study Site of the on-going Preliminary Land Use Study for Lam Tei Quarry and the Adjoining Areas (the Study) jointly commissioned by CEDD and PlanD. They have no specific comment on the application as far as the Study is concerned.

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

He has no particular comment on the application from electricity supply safety aspect. However, 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 mentioned 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 concerned 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

8.1.15 Comments of District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the concerned locals and understand that they will provide their comments (if any) to the Board direct. He trust the Board will take into account the public views when further deliberating on the application.

8.2 The following government departments have no comment on the application.

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Director of Food and Environmental Hygiene (DFEH);
- (d) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO); and
- (e) Commissioner of Police (C of P).

9. Public Comment Received During the Statutory Publication Period

The application and the further information received on 30.7.2019 were published for public inspection on 26.4.2019 and 9.8.2019 respectively. During the statutory public inspection periods, a total of three comments were received. Two comments from a member of the Tuen Mun District Council supported the application without giving specific reason (**Appendices V-1 and V-2**). An individual expressed views on the selection of the project consultant (**Appendix V-3**).

10. Planning Considerations and Assessments

10.1 The applicant seeks planning permission for a proposed public utility installation (SPS) within an area zoned “R(D)” on the OZP. The proposed SPS development comprises a single-storey (3m) building structure to house pumping facilities, control panel and deodorization equipment, and excavation of land up to 11m is also proposed for the underground pumppit to accommodate hydraulic components such as pump

and valves. The planning intention of “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. While the proposed SPS may not be entirely in line with the planning intention of the “R(D)” zone, the proposed development is essential for the village sewerage system in Fuk Hang Tsuen (Lower). The proposed pumping station is to convey the sewage from the village houses located within Fuk Hang Tsuen (Lower), north of Fuk Hang Tsuen Road, to be effectively transferred to the Pillar Point Sewage Treatment Works for treatment and disposal via Fu Tei Ha Tsuen SPS to the existing downstream sewerage system.

- 10.2 According to the applicant, the choice of suitable site to accommodate the facilities is largely restricted by the alignment of proposed sewerage system, the availability of land, topographic constraints and interfaces with existing utilities. The Site is on government land of adequate size without the land acquisition. It is engineering feasible without conflicting with the existing utilities and being able to receiving sewage flow from upstream sewer. Besides, the proposal, including the location of the Site, was supported by the Environment, Hygiene and District Development Committee of TMDC, representative of the TMRC and village representatives of Fuk Hang Tsuen (Lower) and Fuk Hang Tsuen (Upper).
- 10.3 The Site is located to the north of Fuk Hang Tsuen and is currently vacant covered with vegetation. The proposed SPS is small in scale with a GFA of about 18.24m² and a BH of 3m above ground level. It is considered not incompatible with the surrounding areas of village landscape character. CTP/UD&L, PlanD has no comments on from visual impact perspective. CA/CMD2, ArchSD also advises that the proposed development not incompatible with the surrounding area.
- 10.4 Other relevant government departments consulted including DAFC, DEP and C for T have no objection to/adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 11.2 below.
- 10.5 Regarding the public comments, the planning considerations and assessments in paragraphs 10.1 to 10.4 above are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.9.2023, 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 conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the provision of a run-in/out to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (c) the submission of a noise impact assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) the submission and implementation of drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

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

11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 and attachments received on 16.4.2019
Appendix Ia	Planning Statement received on 16.4.2019
Appendix Ib	Revised Planning Statement with Supplementary Environmental Studies, Tree Preservation and Removal Plan and Swept Path Diagrams received on 30.7.2019
Appendix Ic	Email providing replacement pages for the application form received on 11.9.2019
Appendices II-1 and II-3	Public Comments Received During Statutory Publication Periods
Appendix III	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Landscape Finishes Plan
Drawing A-3	Section Plan of the Control Kiosk
Drawing A-4	Tree Compensatory Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2019**