RNTPC Paper No. A/NE-TKP/3B
For Consideration by the
Rural and New Town Planning
Committee on 20.11.2026

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKP/3

Applicant	:	CHENG Kwok Fai represented by PANG Hing Yeun
Site	:	Government Land (GL) in D.D. 293, To Kwa Peng, Sai Kung North
Site Area	:	About 11.4m^2
Land Status	:	GL
Plan	:	Approved To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) No. S/NE-TKP/2
Zoning	:	"Coastal Protection Area" ("CPA")
Application	:	Proposed Public Utility Installation (Underground Stormwater Drain) and Associated Filling and Excavation of Land

1. The Proposal

1.1 The applicant seeks planning permission for proposed public utility installation (underground stormwater drain) and associated filling and excavation of land at the application site (the Site) falling within an area zoned "CPA" on the OZP (**Plan A-1**). According to the Notes of the OZP, 'Public Utility Installation' use as well as filling and excavation of land within the "CPA" zone require planning permission from the Town Planning Board (the Board). The Site is partly located on a paved footpath and partly covered with vegetation/soil (**Plans A-2** and **A-4**).

1.2 According to the applicant, the proposal involves provision of a stormwater drain of about 9.5m long and 1.2m wide, which is mostly underground with exposed section at northern tip (**Drawing A-2**), facilitating the proposed stormwater drainage system for 10 Small Houses (SHs)[1] (**Drawing A-3** and **Plan A-2**) located in To Kwa Peng Village. Stormwater will be collected and discharged via the proposed stormwater drain to the nearest sea, passing through the "CPA" zone. To facilitate the pipe laying of the stormwater drainage system, the Site (i.e. about 11.4m^2) will be excavated with a depth of 1.85m, and will be backfilled to its original level with soil upon completion of the works. During the construction

[1] According to the Lands Department (LandsD), the 10 SH cases have been granted. Besides, the 10 SHs fall within an area zoned "Village Type Development" ("V") on the OZP, where 'House (New Territories Exempted House only)' use is always permitted under the Notes of the OZP and planning permission from the Board is not required.

stage, no existing trees will be felled while only small weeds and bushes will be removed.

1.3 The Site is accessible via a footpath connecting to a local pier (**Plan A-2**). According to the applicant, all construction materials and equipment will be transported by marine vessels to the existing local pier near the Site. To safeguard the "CPA" zone, temporary protective hoarding/fencing will be erected along the site boundary. The existing underground water mains will be protected on-site by sand/soil bedding. To maintain pedestrian connectivity along the existing footpath, construction works will be carried out in two phases. Phase One will be carried out at the section outside the footpath, which will serve as an alternative pedestrian route during the latter Phase Two construction stage. Phase Two will be carried out at the existing footpath section and the affected footpath will also be re-paved upon completion of the works.

1.4 In support of the application, the applicant has submitted the following documents:

(a)	Application Form with attachments received on 19.3.2026	(**Appendix I**)
(b)	Supplementary Information (SI) received on 20.3.2026	(**Appendix Ia**)
(c)	Further information (FI) received on 8.7.2026[#]	(**Appendix Ib**)
(d)	FI received on 28.9.2026*	(**Appendix Ic**)
(e)	FI received on 28.10.2026*	(**Appendix Id**)

[#] *accepted but not exempted from publication and recounting requirements*
** accepted and exempted from publication and recounting requirements*

1.5 On 8.5.2026 and 28.8.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to applicant's requests to defer making a decision on the application for two months each.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FIs at **Appendices I** to **Id**, and are summarised as follows:

(a) the proposed installation is to fulfil the drainage requirements under the application to LandsD for the 10 SHs located in To Kwa Peng Village;

(b) the drainage proposal under the current application is considered as optimal option by consolidating previously proposed four to five discharge points into one to minimise potential environmental impact along the area zoned "CPA";

(c) the proposed installation is for collection of stormwater only, discharge of sewage through the proposed stormwater system is not allowed. Domestic wastewater, such as wastewater from washing machine, kitchen, bathroom, etc. are prohibited to discharge into the stormwater drainage system;

(d) there is no large tree at the Site. The proposed installation will only involve clearance of small weeds and bushes during construction. No clearance of mangroves or wetland plants will be involved. The applicant will plant some vegetation in the relevant area upon completion of works;

(e) to safeguard the well-vegetated "CPA" zone, temporary protective hoarding/ fencing will be erected along the site boundary prior to commencement of works. The applicant will take all precautionary measures to prevent disturbance, damage and pollution from the proposed installation to the existing water mains; and

(f) all materials and equipment will be transported by marine vessel using the existing pier nearby, and then transferred from pier to the Site by manual labour or light-weight and low-impact tools.

3. Compliance with the "Owner's Consent/Notification" Requirements

As the Site involves GL only, 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 Ordinance (TPB PG-No. 31B) are not applicable.

4. Background

The Site is currently not subject to any active planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the same "CPA" zone.

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

7.1 The Site is:

(a) partly located on a paved footpath and partly covered with vegetation/soil; and

(b) accessible via a footpath connecting to a local pier.

7.2 The surrounding areas are predominantly rural in character and situated in an area of rural coastal plain landscape character comprising woodlands, tree clusters, scattered village houses in To Kwa Peng Village.

8. Planning Intention

8.1 The planning intention of the "CPA" zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

8.2 As filling of land or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

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

Land Administration

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

(a) he has no adverse comment on the application;

(b) the Site is situated on GL, falling within the village 'environs' of To Kwa Peng (**Plan A-2**). No valid SH application has been received for the Site;

(c) according to his records, the Site does not encroach upon any existing or proposed emergency vehicular access under application. There is no designated Fung Shui area within the village concerned;

(d) the proposed stormwater drain is intended to receive stormwater from the 10 granted SHs (**Drawing A-3**). For works to be undertaken on GL outside the lot boundary, prior consent from LandsD should be obtained;

(e) for Houses No. 6 and 10 among the 10 granted SHs, Certification of Exemption in respect of Building Works, Drainage Works, and Site Formation Works (CsoE) have been issued. According to the latest drainage plan submitted to LandsD, the proposed drainage works would encroach on the GL of "CPA" zone. His office is pending the SH applicants to provide relevant planning permission before further processing the application for exemption from excavation permit on GL for the proposed works on "CPA" zone. For Houses No. 1 to 5

and 7 to 9, the SHs cases are granted but CsoE have not been issued; and

(f) his advisory comments are at **Appendix II.**

Natural Conservation

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

(a) he has no comment on the application from nature conservation perspective, in view that the proposed installation should only affect a small amount of vegetation; and

(b) his advisory comments are at **Appendix II**.

Landscape

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

(a) she has no adverse comment on the application from landscape planning perspective;

(b) based on the aerial photo taken in 2025, the Site is situated in an area of rural coastal plain landscape character comprising woodlands, tree clusters and village houses. The proposed use is not entirely incompatible with the surrounding environment;

(c) with reference to site photos taken in 2026, the Site is surrounded by trees. According to the applicant's submission, there are no large trees at the Site and no tree felling is anticipated. Significant adverse landscape impact arising from the application is not anticipated; and

(d) her advisory comments are at **Appendix II**.

9.2 The following government departments have no objection to/no comment on the application and their advisory comments, if any, are at **Appendix II**:

(a) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
(b) Director of Environmental Protection (DEP);
(c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
(d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
(e) Director of Fire Services (D of FS);
(f) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
(g) Project Manager/North, CEDD (PM/N, CEDD);
(h) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);

(i) Director of Electrical and Mechanical Services (DEMS); and
(j) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

10. Public Comment Received During Statutory Publication Periods

On 27.3.2026 and 17.7.2026, the application and FI submitted by the applicant were published for public inspection. During the statutory public inspection periods, one public comment from an individual was received (**Appendix III**), objecting to the application mainly on the grounds that there is no control over the effluents being channelled into the drains and subsequently discharged into the "CPA" zone.

11. Planning Considerations and Assessments

11.1 The application is for proposed public utility installation (underground stormwater drain) and associated filling and excavation of land in an area zoned "CPA" on the OZP. While there is a general presumption against development in this zone, developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. According to the applicant, the proposed installation is to support the 10 SHs located in To Kwa Peng Village falling within the "V" zone on the OZP. The proposal under the current application is considered as optimal option to minimise potential environmental impact, which will provide a proper stormwater discharge channel serving To Kwa Peng Village. The applicant has submitted a drainage proposal in support of the application, CE/MN, DSD has no comment on the application from drainage perspective. DLO/TP, LandsD advises that the proposed installation is intended to receive stormwater for the 10 granted SHs. Hence, the proposed installation can be considered as essential infrastructure project, which is to provide proper drainage system serving local residents in To Kwa Peng Village, and is therefore not in conflict with the planning intention of the "CPA" zone.

11.2 To facilitate the pipe laying of the stormwater drainage system, the applicant proposes to excavate the Site (i.e. about 11.4m^2) to a depth of about 1.85m, and upon completion of the works, backfilling the excavated area with soil to the original ground level. Filling and excavation of land within the "CPA" zone require planning permission from the Board as they may cause adverse drainage and environmental impacts. In this regard, both CE/MN, DSD and DEP have no comment on the application from drainage and environmental perspectives respectively. In view that the proposed works should only affect a small amount of vegetation, DAFC has no comment on the application from nature conservation perspective.

11.3 The Site is located partly on a paved footpath and partly covered with vegetation /soil. The surrounding areas are predominantly rural in character and situated in an area of rural coastal plain landscape character comprising woodlands, tree clusters and scattered village houses in To Kwa Peng Village. According to the applicant, the proposed installation will not involve tree felling or clearance of mangroves or wetland plants, and some vegetation will be planted upon completion of works. CTP/UD&L, PlanD has no adverse comment on the application and

considers that significant adverse landscape impact arising from the application is not anticipated. The proposed installation and associated filling and excavation of land, which is small in scale, is considered not entirely incompatible with the surrounding environment.

11.4 Other concerned departments consulted including CE/C, WSD and D of FS have no objection to or no comment on the proposed installation and associated filling and excavation of land from water supply and fire safety perspectives respectively.

11.5 Regarding the public comment as summarised in paragraph 10 above, the applicant's justifications, government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, PlanD 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 **20.11.2030**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix II**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development with associated filling and excavation of land is not in line with the planning intention of the "CPA" zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention.

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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 19.3.2026
Appendix Ia	SI received on 20.3.2026
Appendix Ib	FI received on 8.7.2026
Appendix Ic	FI received on 28.9.2026
Appendix Id	FI received on 28.10.2026
Appendix II	Recommended Advisory Clauses
Appendix III	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Construction Proposal/Sectional Drawing
Drawing A-3	Location of Proposed SHs
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
NOVEMBER 2026