

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

APPLICATION NO. A/HSK/441

- Applicant** : Electricity and Energy Efficiency Branch, Electrical and Mechanical Services Department (EMSD) represented by Ove Arup & Partners Hong Kong Limited
- Site** : Hung Shiu Kiu and Ha Tsuen Planning Area 56 (Part), Yuen Long, New Territories
- Site Area** : About 10,486 m²
- Land Status** : Government Land (GL)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : (i) “Other Specified Uses” annotated “District Cooling System” (“OU(DCS)”) (about 88%); and
[Restricted to a maximum building height of 25mPD]
- (ii) “Other Specified Uses” annotated “Sewage Pumping Station” (“OU(SPS)”) (about 12%)
[Restricted to a maximum building height of 25mPD]
- Application** : Proposed Public Utility Installation (District Cooling System) with Minor Relaxation of Building Height Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission for the proposed district cooling system (DCS) at the application site (the Site) which falls within the “OU(DCS)” (about 88%) and “OU(SPS)” (about 12%) zones on the OZP with minor relaxation of the building height restriction (BHR) from 25mPD to 50mPD (+25m). According to the Notes of the OZP, while DCS is always permitted in “OU(DCS)” zone, such use in “OU(SPS)” zone requires planning permission from the Town Planning Board (the Board). Based on the individual merits of a development or redevelopment proposal, minor relaxation of the BHR within both zones may be considered by the Board on application under section 16 of the Town Planning Ordinance. The Site is currently mostly vacant and vegetated except the southern part of the Site abutting Ping Ha Road which is currently occupied by a sitting out area.

- 1.2 The Site is accessible via Ping Ha Road and the ingress/egress point is at its southern part (**Plans A-2 and A-3**). According to the applicant, the proposed DCS, which includes a chiller plant area, cooling towers, control rooms, electricity substations operational facilities, aims to supply chilled water to non-domestic developments in the eastern part of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). The major development parameters of the proposed scheme (**Drawings A-1 to A-4**)¹ are summarised as follows:

Site Area	About 10,486m ²
No. of Storey	Not more than 3 storeys
Maximum BH	Not more than 50mPD/ 38m (35.6mPD/21m at main roof)
Total Plot Ratio	About 2.27
Gross Floor Area	About 23,832m ²
No. of Structure	1

- 1.3 According to the applicant, in consideration of the high flooding risk of the Site, a non-basement design is adopted. A 132kV electricity substation, an emergency vehicular access (EVA) with a roundabout and a drainage reserve zone would also be provided within the Site (**Drawing A-3**). A number of visual and landscape mitigation measures are proposed as part of the development, including sensitive design of building form, tree planting along the periphery and vertical greening on exterior walls, and setting back of the proposed building structure in the southern portion of the Site abutting Ping Ha Road to avoid blockage to the planned major view corridors/fung shui lane across the southern and northern edges of the Site (**Plan A-2**). Tree protection zones and compensatory planting in accordance with the Development Bureau Technical Circular (Works) No. 6/2015 and 4/2020 will be provided.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 16.3.2023 (**Appendix I**)
 - (b) Supplementary Planning Statement with Annexes (**Appendix Ia**)
(including Visual Impact Assessment (VIA) and Tree Survey Report)
 - (c) Further Information (FI) received on 18.4.2023 (**Appendix Ib**)
[exempted from publication and recounting requirements]
 - (d) FI received on 27.4.2023 (**Appendix Ic**)
[exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Supplementary Planning Statement and FI at **Appendices I to Ic**. They can be summarised as follows:

¹ According to the applicant, upon obtaining planning permission, consultant would be engaged for the detailed design of the proposed DCS before the proposal is submitted to relevant district council for consultation.

The Need for Inclusion of the Area Zoned “OU (Sewage Pumping Station)”

- (a) To achieve a green living and working environment, DCS is proposed as one of the green initiatives to serve the development of the HSK/HT NDA. In response to the “Hong Kong’s Climate Change Strategy and Action Agenda”, the provision of DCS would be an important carbon reduction strategy to reduce the greenhouse gas emissions in the HSK/HT NDA. DCS was also highlighted as an essential green initiative to improve energy efficiency and creating smart, green and resilient town in the Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030 and the Hong Kong's Climate Action Plan 2050.
- (b) The eastern portion of the “OU(DCS)” zone covers part of the existing Tin Ying Road. With the latest intention to retain the existing section of Ting Ying Road adjoining the Site, the area available for the proposed DCS would be reduced by about 6,051m². Also, in view of the anticipated higher demand for the cooling facilities based on government policies, there is a need to include an adjoining vacant site zoned “OU(SPS)” for the development of the necessary DCS facilities. The inclusion of such piece of vacant land would also better utilise the land resources.

The Need for Minor Relaxation of BHR

- (c) According to the latest requirement of CLP Power Hong Kong Limited, a high head room 132kV power utility substation is required to be incorporated in the proposed DCS to stabilise power supply. Given the need to adopt a non-basement design to minimise flooding risk and future operation cost and to include a 132kv power utility substation, EVA and drainage reserve in the Site, a higher BHR will be required to accommodate the proposed design and to address the site constraints.

No Adverse Visual, Air Ventilation and Landscape Impacts on the Surroundings

- (d) The proposed scheme is in line with the planning intention of the “OU(DCS)” zone. While the proposed development is not entirely in line with the planning intention of the “OU(SPS)” zone, it is a public utility installation which does not deviate from the planning intention. With setback from the southern boundary of the Site, as indicated in the proposed scheme, the future development will not obstruct the view corridors and fung shui lane respecting the established urban design framework of the HSK/HT NDA.
- (e) VIA has been conducted and demonstrates that no adverse visual impact on the surrounding area is anticipated. The Site is located close to the existing Tin Shui Wai MTR Station and surrounded by existing/planned high density residential developments. The proposed development of about 50mPD remains lower than the existing and planned developments ranging from 120mPD to 160mPD in the vicinity. The proposed scheme preserves the stepped height profile and development intensity profiles of the HSK/HT NDA and will not result in any adverse visual and ventilation impacts.
- (f) There is no Old and Valuable Trees (OVTs) and trees of particular interest within the Site. 43 number of existing trees will be affected by the proposed development, in which four of them are considered suitable for transplanting subject to further review and the remaining 39 trees will be removed. Mitigation measures including the establishment of tree protection zones, sensitive building

form and compensatory planting in accordance with the Development Bureau Technical Circular (Works) No. 6/2015 and 4/2020 are proposed to mitigate the impact on the surroundings.

No Adverse Impacts

- (g) The proposed internal access within the Site will be restricted to future operation and maintenances purposes only. The induced trip generation is limited. No adverse traffic, environmental, drainage, sewerage, geotechnical impacts are anticipated.

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 Town Planning Ordinance (the Ordinance) (TPB PG-No. 31A) are not applicable to the application.

4. Background

- 4.1 The need for the proposed DCS to serve the HSK/HT NDA was established in the planning and engineering study for the formulation of the OZP to provide chilled water to the air conditioning systems of non-residential buildings in the NDA. Under the OZP, two sites are zoned “OU(DCS)” to serve the future development in the eastern and southern parts of the NDA.
- 4.2 The subject “OU(DCS)” zone intends to serve the non-residential development in the eastern portion of the NDA. It includes an existing section of Tin Ying Road. Under the prevailing planning framework for HSK/HT NDA, Tin Ying Road is proposed to be removed and the existing public transport services running along the road will be replaced with the proposed Environmental Friendly Transport Services. However, as reflected in the previous public engagement, the public has demanded the re-provisioning of Tin Ying Road.
- 4.3 In order to take forward the policy directives to increase the development intensity and achieve a housing mix of 7:3 in new development areas, technical reviews are carried out to ascertain the feasibility of the proposed intensification. Traffic infrastructure provisions are also reviewed, including the re-provisioning of Tin Ying Road to act as a convenient local bypass corridor joining Tin Shui Wai North and Tin Shui Wai MTR Station. Under the latest recommendation, Tin Ying Road will be re-provisioned around its current location with the section adjoining the Site being retained.
- 4.4 The part of the Site zoned “OU(SPS)” was previously reserved for the expansion of Ha Tsuen Sewage Pumping Station. However, with the proposed development of a new effluent polishing plant and four new sewage pumping stations at various localities of the NDA to serve future development, the Drainage Services Department (DSD) advised that there is no plan to expand the existing Ha Tsuen Sewage Pumping Station.

5. Previous Application

The northern portion of the Site is the subject of a previous application No. A/TSW/11 for proposed gas offtake and pigging station approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 19.6.1998. However, the proposed development had not be taken forward and the planning permission subsequently lapsed on 19.6.2003.

6. Similar Application

There is no similar application within the same “OU(DCS)” and “OU(SPS)” zones on the OZP. However, there is an application (No. A/HSK/440) for proposed gas offtake and pigging station at the adjoining “OU(SPS)” zone (**Plan A-1**) which is also scheduled for the Committee’s consideration at this meeting.

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

7.1 The Site is:

- (a) accessible via Ping Ha Road; and
- (b) currently vacant and vegetated except the southern part of the Site abutting Ping Ha Road which is occupied by a sitting out area.

7.2 The surrounding areas have the following characteristics:

- (a) to its northeast and east across Tin Ying Road are a residential development named Tin Shing Court (the closest residential dwelling being about 81m away), a football field and a park;
- (b) to its immediate southwest is the Ha Tsuen Sewage Pumping Station (about 17.5mPD in height); and
- (c) to its west across a nullah is an open storage yard under valid planning permission, a site for parking of heavy vehicles which is a suspected unauthorized development and some unused land.

8. Planning Intentions

The planning intentions of the “OU(DCS)” and “OU(SPS)” zone are primarily for the provision of DCS and sewage pumping station respectively.

9. Comments from Relevant Government Departments

9.1 The following government bureau/department have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the Chief Estate Surveyor/New Development Area, Lands Department (CES/NDA, LandsD):

He has no adverse comment on the application from land resumption point of view.

9.1.2 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

(a) the Site falls within a permanent government land allocation No. GLA-TSW 7 allocated to DSD for the purpose of sewage pumping station and a temporary government land allocation No. GLA-TYL 3997 allocated to Civil Engineering and Development Department (CEDD) for the purpose of works site for site investigation with a term up to 31.7.2023.

(b) should the application be approved, the applicant should note his detailed comments at **Appendix II**.

Traffic

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

He has no adverse comments on the application and the applicant should note his detailed comments at **Appendix II**.

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

He has no adverse comments on the application and the applicant should note his detailed comments at **Appendix II**.

Urban Design Visual and Landscape

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

He has no adverse comment from architectural and visual point of view since the Site is surrounded by existing/planned developments with BHs of 94mPD to 160mPD. Should the application be approved, the applicant should note his detailed comments at **Appendix II**.

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

Urban Design Aspect

(a) being situated near the District Commercial Node around the existing Tin Shui Wai MTR Station in the HSK/ HT New Development Area, the Site is surrounded by existing/planned residential developments with BHs ranging from 94mPD to 160mPD to its north, east and south and an existing pumping station to its immediate west. The proposed BH of not more than 50mPD (including roof top structures and plants) is considered not incompatible with the existing and planned high-rise residential developments in the surrounding area;

(b) according to the submitted VIA, as compared with the Conforming

Scheme, no significant adverse visual impact from the Proposed Scheme on the identified viewing points is anticipated. Besides, design measures such as no blockage to the planned major view corridors/fung shui lane across the southern and northern edges of the Site, tree planting along the periphery and vertical greening on exterior walls, etc. are proposed;

Landscape Aspect

- (c) according to the Supporting Planning Statement and Tree Survey Report submitted by the Applicant, 43 existing trees of common species are surveyed at the site area zoned “OU(SPS)”. 39 trees are proposed to be fell and four trees are suitable for transplant. No tree information on the land within the “OU(DCS)” zone has been provided in the submission. Mitigation measures are proposed in the application site to alleviate the impact, including at-grade greening and “vertical greening will be provided for the DCS plant”, however no proposed landscape layout is provided. Given the adjacent is the existing Ha Tsuen Sewage Pumping Station, the proposed use is considered not incompatible with the surrounding environment; and
- (d) should the application be approved, the applicant should note his detailed comments at **Appendix II**.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD) and Chief Engineer/Sewage Treatment 1, DSD (CE/ST1, DSD):

- (a) no in-principle objection to the application from a drainage point of view; and
- (b) should the application be approved, a condition should be stipulated requiring the applicant to submit a drainage proposal with a comprehensive diversion scheme if diversion of existing drainage facilities is necessary, to implement and maintain the proposed drainage facilities to his satisfaction. The applicant should note his detailed comments at **Appendix II**.

Water Supplies

9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application; and
- (b) existing water mains will be affected (**Plan A-2**). In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the center line of the water mains shall be provided to his department. The applicant should note his detailed comments at **Appendix II**.

Fire Safety

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

- (a) no in-principle objection to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction; and
- (b) should the application be approved, the applicant should note his detailed comments at **Appendix II**.

Geotechnical

9.1.10 Comments of Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD):

He has no adverse comment on the application and the applicant should note his detailed comments at **Appendix II**.

Long-term Development

9.1.11 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

He has no adverse comment on the application and the applicant should note his detailed comments at **Appendix II**.

District Officer's Comments

9.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) no comment from departmental point of view; and
- (b) his office has not received any comment from the locals on the application.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department; and
- (b) Director of Environmental Protection.

10. Public Comment Received During the Statutory Publication Period

On 24.3.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix III**) expressing concerns on the visual impacts arising from the increase in BH.

11. Planning Considerations and Assessments

Planning Intentions

- 11.1 The application is for the proposed DCS at the Site mainly zoned “OU(DCS)” (about 88%) and partly zoned “OU(SPS)” (about 12%) on the OZP with minor relaxation of the BHR from 25mPD to 50mPD (+25m). The planning intentions of the “OU(DCS)” and “OU(SPS)” zones are intended primarily to provide land for the use of DCS and sewage pumping station respectively. The proposed DCS is always permitted within the “OU(DCS)” zone. Whilst the proposed use is not entirely in line with the planning intention of the “OU(SPS)” zone, the CE/MN, DSD advised that there is no plan to use the concerned area for the expansion of the existing Ha Tsuen Sewage Pumping Station, and has no in-principle objection to the application.

BH Profile and Compatibility

- 11.2 Given the need to retain the existing section of Tin Ying Road within the “OU(DCS)” zone as part of its reprovisioning scheme, the land within the zone available for the development is reduced. Moreover, in order to adopt a non-basement design to minimise the flooding risk and to include the required electricity substation, EVA and drainage reserve in the development, a higher BH is required for the proposed development. Based on the submitted scheme, the proposed development will set back from Ping Ha Road to avoid obstructing the view corridor/fung shui lane extending from the village of Sik Kong Wai to the Tang Ancestral Hall in Ping Shan (**Plan A-2**). To further ameliorate the potential visual and landscape impacts, other mitigation measures have been proposed, including the adoption of sensitive building form, vertical greening and the establishment of tree protection zones and compensatory planting in accordance with the Development Bureau Technical Circular (Works) No. 6/2015 and 4/2020. CA/CMD2, ArchSD and CTP/UD&L, PlanD have no adverse comment on the proposed relaxation of BHR and consider that the proposed BH of not more than 50mPD is not incompatible with the existing and planned high-rise residential developments in the surrounding area and no significant adverse visual impact is anticipated. CTP/UD&L, PlanD also has no adverse comment from landscape point of view.
- 11.3 The Site (at approximately 9.6mPD) is located adjacent to the Ha Tsuen Sewage Pumping Station and surrounded by existing/planned high-rise residential and commercial developments (**Plans A-1 and A-2**) with BHs ranging from 94mPD to 160mPD. The proposed development within a BH of not more than 50mPD is considered not incompatible with the existing/planned developments in the surrounding.

Other Technical Aspects

- 11.4 There is no objection to/no adverse comment on the application from the concerned government departments, including EPD, TD, FSD and DSD. The proposed development would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.

Implementation

- 11.5 The proposed development would need to tie in with the planned developments in its catchment (i.e. the eastern portion of the HSK/HT NDA) which will commence tentatively in 2024 till 2032. Upon obtaining approval from the Committee, the detailed design and public consultation would need to be conducted before the applicant submits the proposal to the Legislative Council for funding approval. Overall, a longer timeframe will be required for implementation of the proposed development. As such, a longer validity period of the planning permission is recommended, should the application be approved by the Committee.

Public Comment

- 11.6 A public comment expressing concerns on the application was received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 To cater for a longer development timeframe for the proposed development, a longer validity period of the planning permission of six years is suggested. Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **5.5.2029**, 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 submission and implementation of a drainage proposal with a comprehensive diversion scheme, if diversion of existing drainage facilities is necessary, to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of water supplies for firefighting and fire service installations proposal 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 II**.

- 12.3 There is no strong 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 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 period of which the permission should be valid on a temporary basis.
- 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 16.3.2023
Appendix Ia	Supplementary Planning Statement with Annexes
Appendix Ib	FI received on 18.4.2023
Appendix Ic	FI received on 27.4.2023
Appendix II	Recommended Advisory Clauses
Appendix III	Public Comment
Drawings A-1 to A-3	Indicative Floor Plans
Drawing A-4	Indicative Section Plan
Drawings A-5 to A-6	Photomontages
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2023**