

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/69

- Applicant** : Civil Engineering and Development Department (CEDD) represented by Binnies Hong Kong Limited
- Site** : Government Land (GL) in D.D. 52, D.D. 87 and D.D. 89 (adjacent to the Existing Table Hill Fresh Water Service Reservoir), Table Hill, Cheung Po Tau, Fanling, New Territories
- Site Area** : 35,761m² (about)
- Land Status** : GL
- Plans** : Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
Draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/17
- Zonings** : “Green Belt” (“GB”) (about 32,958m² or 92% of the Site)
“Government, Institution or Community” (“G/IC”) (about 2,803m² or 8% of the Site)
- Application** : Proposed Service Reservoirs (Fresh Water and Flushing Water) and Associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed fresh/flushing water service reservoirs (FW/FLWSRs) (i.e. proposed Fanling North Fresh Water Service Reservoir (FLNFWSR) and Fanling North Flushing Water Service Reservoir (FLNFLWSR)) at the application site (the Site) (**Plan A-1**), which falls mainly within an area zoned “GB” (about 92% of the Site) and “G/IC” (about 8% of the Site) on the relevant OZPs. According to the Notes of the OZPs, ‘Service Reservoir’ is a Column 2 use within the “GB” zone which requires planning permission from the Town Planning Board (the Board), while it is always permitted under the “G/IC” zone. The Site is located on a knoll of Table Hill, and site formation works for construction of the proposed FW/FLWSRs involving land excavation are required.
- 1.2 According to the information submitted by the applicant (**Appendices I and Ia**), the project under Agreement No. CE21/2019 (WS) ‘Fresh Water and Flushing Water Service Reservoirs and Associated Works in Fanling North – Design and Construction’ comprises FLNFWSR and FLNFLWSR each of 11m in height above ground and the associated slope retaining structures and watermains to supply both fresh and flushing water to cater for new population intake of Kwu Tung North and Fanling North New Development Area (KTN and FLN NDA). Freshwater and flushing water will be

supplied by Tai Po Water Treatment Works and Shek Wu Hui Water Reclamation Plant respectively. The proposed development will be handed over to Water Supplies Department (WSD) after completion for operation and maintenance. The construction is tentatively scheduled for commencement in 2024 and completion in 2029. The layout plans of the proposed FW/FLWSRs are shown in **Drawings A-1** and **A-2** and the major parameters are tabulated as below:

| | FLNFWSR | FLNFLWSR | Overall |
|---|--------------------------------|--------------------------------|------------------------|
| No. of structures | 1 | 1 | 2 |
| Proposed total floor area (about) | 6,840m ² | 1,645m ² | 8,485m ² |
| Building height (BH) (absolute BH) | 95mPD (11m) | 85mPD (11m) | Maximum 95mPD (11m) |
| Design capacity (about) | 61,000m ³ | 14,800m ³ | 75,800m ³ |
| Dimensions | 95m (L) x 72m (W) x 11m (H) | 47m (L) x 35m (W) x 11m (H) | Not Applicable |

- 1.3 The Site is accessible via an existing road which connects to Man Kam To Road (**Plan A-1**). A 3.5m width access road will be provided within the Site to connect the proposed service reservoirs to the existing road serving the existing Table Hill Fresh Water Service Reservoir (Table Hill FWSR) to the southwest (**Drawing A-1**).
- 1.4 Technical assessments including Geotechnical Assessment (GeoA), Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Waterworks Impact Assessment (WIA) and Environmental Review Report (ERR) which contains Visual Impact Assessment (VIA) and Landscape Assessment (LA) to meet the standard of the Environmental Impact Assessment Ordinance (EIAO) have been conducted. Their extracts are submitted by the applicant in support of the proposed development (**Appendix Ia**). According to the LA, there are 261 trees within the Site and no rare species nor Old and Valuable Trees (OVT) are identified. 77 trees are required to be felled within the Site and 77 compensatory trees of native species on the newly formed slopes, slope hydroseeding and/or rooftop greening are proposed within the Site. Other relevant technical assessments have demonstrated that the proposed development would not induce insurmountable or adverse impacts and its latest Environmental Permit for the proposed development was approved on 13.5.2022.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 2.11.2023 (**Appendix I**)
 - (b) Planning Statement (PS) with extracts of technical assessments
 - (c) Further Information (FI) received on 28.11.2023[^]
 - (d) FI received on 1.12.2023[^]
 - (e) FI received on 5.12.2023[^]
 - (f) FI received on 7.12.2023[^]
 - (g) FI received on 11.12.2023[^]
 - (h) FI received on 14.12.2023 enclosing consolidated PS^{1^} (**Appendix Ia**)

[^]*exempted from publication and recounting requirements*

¹ The consolidated SPS received on 14.12.2023 (Appendix Ia) has incorporated all previous FIs. The applicant has confirmed that the original PS and previous FIs could be superseded by the consolidated PS. Hence the original PS and superseded FIs are not attached.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix Ia**, and summarized as follows:

- (a) several locations in the vicinity of FLN NDA have been explored to ascertain its suitability for the proposed reservoirs. According to the hydraulic considerations, the proposed locations for the service reservoirs at the peak of the Table Hill (i.e., at level of +74 to +84mPD) is the only suitable location for the proposed development.
- (b) the Site is identified as the most suitable location and meeting the site selection criteria and operational requirements including being a vacant GL mainly covered by upland grassland; substantial tree felling is not anticipated; distant from residential area to avoid public nuisance; large enough to accommodate the water storage structures and its associated facilities; having the least environmental impact and accessible by the existing public road network and fulfil fire services requirements;
- (c) the surrounding areas are rural features with two existing WSD's service reservoirs in close proximity. The proposed development is compatible with the surrounding rural character;
- (d) according to the VIA, no significant adverse visual impact is anticipated and mitigation measures such as landscape planting, rooftop greening and colours/finishes of the facilities are proposed to mitigate the potential visual impact; and
- (e) the relevant technical assessments have demonstrated that the proposed development would not cause adverse traffic, drainage and sewerage impacts on the surrounding and the overall ecological and water supply impact are considered acceptable and insignificant. With the implementation of mitigation measures, minimal geotechnical issue is expected. In order to minimize traffic impact on the road network, the construction traffic is recommended to be allowed to enter or exit from the Site only during the non-peak hours (i.e. 10:00 to 16:00) at the construction stage.

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

As the Site involves GL 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. 31A) is not applicable to the application.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance' (TPB PG-No. 10) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Previous Application

There is no previous application for the Site.

6. Similar Application

- 6.1 There is one similar application No. A/NE-HLH/28 for the same use, namely as Table Hill No.2 FWSR within the same “GB” zone in the vicinity of the Site (**Plan A-1**). It was approved on 19.2.2016 by the Rural and New Town Planning Committee (the Committee) mainly on consideration that the proposed use was essential to meet the demand from the nearby population in the planned housing developments in North District and the site was the most preferable site in meeting the site selection criteria and operation requirements of service reservoir; the proposed development was generally in line with the TPB PG-No. 10 and relevant departments had no objection to/no adverse comment on the application.
- 6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) currently vacant, hilly with undulating slopes and mainly covered with vegetation and trees;
 - (b) the south-western portion of the Site is a man-made slope of the adjacent existing Table Hill FWSR; and
 - (c) accessible via an existing access road which connects from the existing Table Hill FWSR and Man Kam To Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) mainly rural in character surrounded by vegetated undulating slopes and trees with the existing Table Hill FWSR located to the southwest of the Site (**Plans A-2 and A-3**);
 - (b) to its further north are some temporary structures and to its further northeast is Kong Nga Po Police Training Facilities under construction; and
 - (c) to its further west is a completed Table Hill No. 2 FWSR (under application No. A/NE-HLH/28) which is along the same existing road between the Site and Man Kam To Road.

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP, as excavation of land may cause adverse drainage impacts on the 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 follows:

Land Administration

9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- the Site falls on GL and partly encroaches onto (i) GLA-DN 33 which is allocated to WSD for the Table Hill FWSR; and (ii) a licence granted to The Royal Hong Kong Regiment (The Volunteers) Association (“the Association”) for the purpose of a firing range located on the roof top of the abovementioned service reservoir. The applicant is reminded to consult WSD and the Association accordingly on their proposed works.

Traffic

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

- (a) she has no objection to the application from a traffic engineering viewpoint subject to the condition that submission of a revised traffic impact assessment and implementation of traffic mitigation measures identified therein for the proposed development; and
- (b) the applicant is reminded that for the future implementation works of Temporary Traffic Arrangement (TTA) due to the proposed development at Man Kam To Road and other Transport Department’s managed road in North District, the works should be based on the detailed TTA drawing including the proposed signage and road marking properly designed and fully complied with the concerned code of practice, and subject to the approval during the Traffic Management Liaison Group meetings in the future, and the on-site condition (e.g. any TTA at the same locations) at that time. And C for T would reserve the right to provide detailed comments on TTA scheme during the construction stage.

9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- he has no comment on the application. The access road adjacent to the Site is not maintained by HyD.

Drainage

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

- (a) he has no in-principle objection to the application from public drainage viewpoint; and
- (b) his advisory comments are appended at **Appendix V**.

Environment

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

- he preliminarily considers that there is no insurmountable environmental problems associated with the application. The full ERR was submitted separately for his review and CEDD has undertaken to properly address his detailed technical comments on the full ERR. As such, he has no objection to the application from the environmental planning perspective.

Landscape and Visual Impacts

9.1.6 Comments of the Chief Architect/Advisory & Statutory Compliance Division, Architectural Services Department (CA/ASC, ArchSD):

- based on the information provided, it appears that with the incorporation of rooftop greening and noting the building profile on the hillside, the proposed one-storey service reservoirs may not be incompatible with the surrounding environment. He generally has no comment from architectural and visual impact point of view. The applicant, however, may consider concealing the exposed pipes that are shown in the building exterior in the photomontages so as to improve the outlook of the buildings.

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

Urban Design and Visual Aspects

- (a) the proposed development comprising two single-storey structures including a FWSR and FLWSR with BHs of 11m (95mPD and 85mPD respectively) is located on the vegetated slopes of Table Hill and adjacent to the existing Table Hill FWSR with BH of 107.5mPD to the immediate west. Further downhill area to its north and south comprises a mix of low-rise GIC uses, some open storages and temporary structures. Taking into consideration the site context with the existing service reservoir, and given that the proposed development is low-rise in nature, it is considered not incompatible with the surrounding area;
- (b) according to the submitted VIA, no significant adverse visual impact is anticipated, and mitigation measures such as landscaping planting, rooftop greening and colour/finishes of the facilities, etc. are proposed to minimize the potential visual impacts;

Landscape Aspect

- (c) the Site is located in areas of rural inland plains, miscellaneous rural fringe landscape and uplands and hillsides landscape character comprising scattered temporary structures, water reservoirs, woodlands and vegetated areas. Based on the aerial photo taken in December 2022, the Site is mostly natural slopes covered with vegetation and an existing water reservoir is observed at the south. In Table 9.7 of Appendix A - Extract of

ERR, there will be irreversible change to LCA3 (Upland and Hillside Landscape) and the natural topography at the Site for the proposed service reservoirs will be modified due to site formation. Paragraph 4.8.1 of the PS mentions that a cut slope of about 40m in height and retaining structures will be constructed;

- (d) according to paragraph 4.2.1 of the PS and the Tree Survey Report in Appendix A submitted by the applicant, no rare species nor OVT were identified. 77 nos. of trees within the Site are proposed to be felled and 77 nos. of compensatory trees of native species on the newly formed slopes, slope hydroseeding and/or rooftop greening are proposed; and
- (e) the applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant authority prior to commencement of the works.

Nature Conservation

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

- noting an ecological impact assessment (EcoIA) has been conducted for the proposed development and appropriate mitigation measures which would be identified in the submission of Transplantation Proposal prior to commencement of construction works, will be implemented to minimize any potential ecological impact, he has no strong view on the application from nature conservation perspective.

Project Interface

9.1.9 Comments of the Project Manager (New Territories East), Civil Engineering and Development Department (PM(NTE), CEDD):

- he has no adverse comment on the application from project interface point of view. It is noted that the proposed service reservoirs and associated excavation of land is located within the study area of the proposed New Territories North New Town under the Planning and Engineering Study. Closely project interface will be required.

Electricity Supply Safety

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

- (a) he has no particular comment on the application from electricity supply safety aspect; and
- (b) in the interest of public safety and ensuring the continuity of electricity supply, the applicant or the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the 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. The applicant 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

9.1.11 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- he has consulted the locals regarding the application. Ta Kwu Ling District Rural Committee, the Chairman of Fung Shui Area Committee, the Indigenous Inhabitant Representative and the Resident Representative of San Uk Ling and the Chairman of 打鼓嶺沙嶺村居民福利會 have not replied to HAD.

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

- (a) Director of Fire Services;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);

10. Public Comments Received During Statutory Publication Period

On 10.11.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received (**Appendix IV**). The Chairman of Sheung Shui District Rural Committee indicates no comment on the applicant while another public comment made by an individual raises concerns that the proposed development will involve felling of 77 trees and whether the rooftop greenery would be open for public.

11. Planning Considerations and Assessments

11.1 The Site falls within an area mainly zoned “GB” (about 32,958m² or 92% of the Site) and “G/IC” (about 2,803m² or 8% of the Site) on the OZPs (**Plan A-1**). The application for the proposed FW/FLWSRs (FLBFWSR and FLNFLWSR) is generally in line with the planning intention of the “G/IC” zone and always permitted within the Notes of the OZP. The planning intention of “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. However, the proposed FW/FLWSRs are essential infrastructures to supply both fresh and flushing water to cater for new population intake of KTN and FLN NDA. The applicant has demonstrated in the submission (**Appendix Ia**) that the Site is the most suitable location in the area which can meet the site selection criteria and operation requirements of service reservoir.

- 11.2 The Site is a piece of GL located on natural slopes covered with vegetation and the existing Table Hill FWSR to the southwest (**Plan A-3**). The Site is accessible via an existing road serving the existing Table Hill FWSR which is connected to Man Kam To Road. Further downhill area to its north and south comprises a mix of low-rise GIC uses, some open storages and temporary structures. Taking into consideration the site context and the low-rise nature of the proposed development, the proposed development is considered not incompatible with the surrounding areas.
- 11.3 Site formation works involving land are required to provide sufficient flat area for founding the proposed FWSRs and the manoeuvring of operation/maintenance plants within the FWSRs area. A cut slope of 40m in height and retaining structures will be constructed while 77 trees are required to be felled within the Site. No rare species nor OVT were identified within those 77 fallen trees and 77 compensatory trees of native species on the newly formed slopes, slope hydroseeding and/or rooftop greening are proposed. The applicant has also conducted EcoIA under EIAO. As appropriate mitigation measures will be further identified and implemented according to the Transplantation Proposal, which will be submitted for agreement with relevant government authorities prior to commencement of construction works, DAFC also has no strong view on the application from nature conservation perspective.
- 11.4 The proposed developments comprising two single-storey structures with BHs of 11m (95mPD and 85mPD) is located adjacent to the existing Table Hill FWSR with BH of 107.5mPD to the immediate southeast. The submitted VIA demonstrates that no significant adverse visual impact is anticipated and mitigation measures such as landscaping planting rooftop greening and colour/finishes of the facilities, etc. are proposed to minimize potential visual impacts. Both CTP/UD&L of PlanD and CA/ASC of ArchSD have no comment on the application.
- 11.5 The traffic generated from the proposed development is expected to be about 10 construction vehicles per hour during the construction stage. In order to minimize traffic impact on the road network, the construction traffic is recommended to be allowed to enter or exit from the Site only during the non-peak hours (i.e. 10:00 to 16:00) at the construction stage. C for T has no objection to the application. Having review the GeoA and FI, H(GEO), CEDD has no comment to the application. Other relevant government departments consulted, including DEP, CE/MN of DSD, PM(NTE) of CEDD and D of FS, have no adverse comment on or no objection to the application.
- 11.6 The proposed developments are generally in line with the relevant criteria of the TPB PG-No.10 in that the proposed developments are essential infrastructure projects to supply both fresh and flushing water to cater for new population intake of KTN and FLN NDA and the Site is the most suitable site in the area, which can meet the site selection criteria and operation requirements of service reservoir. Moreover, the proposed developments are not incompatible with the surrounding rural landscape character and would not cause adverse traffic, drainage, environmental and visual impacts and adversely affect the slope stability.
- 11.7 There is one similar application No. A/NE-HLH/28 for the same use within the same "GB" zone approved by the Committee on consideration that the proposed development was generally in line with the TPB PG-No. 10 in that relevant departments had no objection to/ no adverse comment on the application, and the proposed use was essential to meet the water demand for the planned housing developments in North District and the site was the most preferable site in meeting the site selection criteria

and operation requirements of service reservoir. The planning circumstances of the current application are similar to the approved application.

- 11.8 Regarding the public comments in paragraph 10 enquiring whether the rooftop greening would be open to public, WSD would consider it upon the completion of the project. For other public comments, the 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 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 22.12.2027, 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 submission of an updated traffic assessment and implementation of the traffic mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 There is no strong planning 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 the 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

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| Appendix I | Application Form received on 2.11.2023 |
| Appendix Ia | PS with extracts of technical assessments |
| Appendix II | Relevant extracts of TPB PG-No.10 |
| Appendix III | Similar Application |

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| Appendix IV | Public Comments |
| Appendix V | Recommended Advisory Clauses |
| Drawing A-1 | Site Layout Plan |
| Drawings A-2a to 2b | Cross Sections |
| Drawing A-3 | Landscape Master Plan |
| Drawings A-4a to 4h | Photomontages |
| Drawing A-5 | Perspective |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to 4d | Site Photos |

**PLANNING DEPARTMENT
DECEMBER 2023**