

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

**APPLICATION NO. A/NE-MKT/19**

<b><u>Applicant</u></b>	:	Drainage Services Department (DSD), HKSARG
<b><u>Site</u></b>	:	Government Land and Adjoining Lot 79 RP in D.D. 90, Man Kam To, New Territories
<b><u>Site Area</u></b>	:	About 1,310 m <sup>2</sup> (including Government Land (GL) of about 820 m <sup>2</sup> )
<b><u>Land Status</u></b>	:	(i) GL (about 62.6%) (ii) Block Government Lease (demised for agriculture use) (about 37.4%)
<b><u>Plan</u></b>	:	Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/4
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Public Utility Installation (Sewage Pumping Station)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed public utility installation (sewage pumping station (SPS)) at the application site (the Site) which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’ is a Column 2 use in “AGR” zone, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site comprises unleased GL and private land, on which a SPS (to be known as Muk Wu Sewage Pumping Station (MWSPS)) will be constructed for proper collection and conveyance of sewage generated by Muk Wu Village to Shek Wu Hui Effluent Polishing Plant (SWHEPP) in Sheung Shui for centralised treatment and disposal. The proposed SPS is accessible via an unnamed road leading to Man Kam To Road (**Plan A-1**). The proposed MWSPS comprises a single storey building (8m above ground) over one level of basement (**Drawing A-1**). The ground floor of the building will mainly house switch room and central control room (**Drawing A-3**), while the basement will accommodate underground water tanks and other pumping facilities, including valves and piping (**Drawing A-2**). The depth of the basement is about 5m (**Drawing A-5**).
- 1.3 Major development parameters of the proposed development are summarized as follows:

<b>Development Parameters</b>	<b>Proposed Scheme</b>
Site Area	1,310m <sup>2</sup> (about)
Gross Floor Area (GFA)	330m <sup>2</sup> (about)
Plot Ratio (PR)	0.25 (about)
Site Coverage (SC)	25.2% (about)
Building Height (BH)	8m (above ground)
No. of Storey	1 storey over 1 level of basement

- 1.4 According to the applicant, there are 17 trees of common species within the Site, which are proposed to be felled. To compensate the loss of these trees, 21 new trees will be planted along the periphery of the Site (**Drawing A-6**). Besides, the building façade and boundary fencing of the proposed MWSPS will be treated with material and colour harmonious to the surrounding natural setting (**Drawings A-7 to 10**). In addition, there will be 40 pieces of solar panel on the roof of the building structure for provision of renewable energy for the proposed SPS (**Drawings A-4 and 9 to 10**).
- 1.5 The Layout Plan, Floor Plans, Section Plan, Landscape Plan and Perspective Drawings submitted by the applicant are at **Drawings A-1 to A-10**.
- 1.6 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form received on 14.4.2022 (**Appendix I**)
  - (b) Supporting Planning Statement (SPS) (**Appendix Ia**)
  - (c) Supplementary Information (SI) received on 20.4.2022 (**Appendix Ib**)  
submitting replacement pages to SPS
  - (d) SI received on 21.4.2022 with clarification on the proposed (**Appendix Ic**)  
Gross Floor Area and replacement pages of the Application Form
  - (e) Further Information (FI) received on 6.5.2022 with (**Appendix Id**)  
responses to departmental comments and technical clarifications in relation to parking provision and traffic management, and revised Preliminary Environment Review (PER), Tree Survey Records, Landscape Plan and Perspective Drawings
  - (f) FI received on 13.5.2022 with responses to departmental (**Appendix Ie**)  
comments and clarifications on site identification, revised layout plans and public comments
  - (g) FI received on 23.5.2022 with clarification on the building (**Appendix If**)  
height of the proposed SPS, and revised section plan
  - (h) FI received on 25.5.2022 with responses to departmental (**Appendix Ig**)  
comments in relation to the access arrangement and public comments
  - (i) FI received on 27.5.2022 with a consolidated Application (**Appendix Ih**)  
Form and SPS

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

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

- (a) identification of a suitable site for accommodating the MWSPS is heavily constrained by the topographic feature of the Site, availability of road access and local views. Having comprehensively considered the technical constraints, the applicant considers that the Site is the only piece of available land with adequate size to develop the SPS in that (i) it is at a low topographical level for effective sewage collection by gravity; (ii) it involves the minimum agricultural land to be resumed and would not affect the rehabilitation potential of the surrounding agricultural land; (iii) there is no adverse environmental, traffic, landscape, drainage and sewerage impact to the surrounding area; (iv) it has a proper maintenance access; and (v) village representatives and local communities support the proposed SPS;
- (b) the proposed MWSPS is part of the proposed sewerage works, viz. “PWP Item No. 4345DS-1 – North District Sewerage Stage 2 Part 2A – Village Sewerage in Muk Wu, New Territories”, which aims to reduce the amount of pollutants being discharged into the nearby watercourses of Muk Wu, and improve the sanitary conditions of the area;
- (c) the proposed MWSPS is not classified as a designated project under the Environmental Impact Assessment Ordinance (EIAO). According to the PER under the project, with proper implementation of the mitigation measures during construction and operation of the proposed SPS, it will not pose unacceptable adverse environmental impact on the nearest sensitive receivers and surrounding environment; and
- (d) the Ta Kwu Ling Rural Committee and village representatives have been consulted and they support the proposed development and the related sewerage works.

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

The applicant is not a “current land owner” of the concerned private lot but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the Owner’s Consent / Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notice to the Ta Kwu Ling Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the portion of the Site falling within GL, the “Owner’s Consent / Notification” Requirements are not applicable.

### **4. Background**

In 1994, Environmental Protection Department (EPD) completed the North District Sewerage Master Plan Study (NDSMPS), which reviewed the sewerage requirements in the North District. As part of the long-term measures to address the water pollution problem in this district, the NDSMP recommended to extend the existing sewerage system with a provision of pumping stations including the MWSPS to collect and convey sewage from the unsewered areas in North District to SWHSTW for proper treatment and disposal.

### **5. Previous Application**

There is no previous application for the Site.

**6. Similar Application**

There is no similar application within the “AGR” zone in Man Kam To area.

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

7.1 The Site is:

- (a) flat and vacant;
- (b) comprising cluster of trees and area of active farmland; and
- (c) accessible via an unnamed road leading to Man Kam To Road.

7.2 The surrounding areas are characterized by village houses of Muk Wu Village, active/fallow agricultural land, vacant land and vegetated areas with clusters of tree groups. The Muk Wu B and C Raw Water Pumping Station is located to the immediate northwest of the Site across an unnamed road (**Plan A-2**).

**8. Planning Intention**

The planning intention of the “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

**9. Comments from Relevant Government Departments**

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

**Land Administration**

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

- (a) the Site falls within a project under PWP Item No. 4345DS-1 – North District Sewerage Stage 2 Part 2A – Village Sewerage in Muk Wu, New Territories (“the Project”). The general nature of the proposed sewerage works is to construct a SPS, and about 2,300 meters of gravity sewers, rising mains, associated manholes and ancillary works, etc. To implement the Project, 11 private lots and GL will be resumed/cleared under the Roads (Works, Use and Compensation) Ordinance (Chapter 370) as applied by Section 26 of Water Pollution Control (Sewerage) Regulation (Chapter 358AL). Lot No. 79 RP in D.D. 90 (i.e. portion of the Site) is one of the private lot to be resumed (**Plan A-2**). The anticipated date of reversion of private lots to the Government is April 2023. The anticipated date of site handover of ex-private lots and crops areas is Q3 2023 subject to the progress of site clearance and crop assessment;

- (b) the Site is not covered by any Modification of Tenancy (MOT) nor Building Licence; and
- (c) the subject application involves a private lot for SPS. It is too early to consider the Permanent Government Land Allocation (“PGLA”) application at this stage as the PGLA application could only be made on GL. When the private lot reverts to the Government upon resumption and provided that the PGLA application is received from the applicant, LandsD would process the PGLA application under the established procedure.

### **Traffic**

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

- (a) no comment on the application from traffic engineering point of view; and
- (b) the vehicular access between the Site and Man Kam To Road is not managed by his office.

### **Environment**

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

- (a) no objection to the application from environmental point of view;
- (b) the proposed MWSPS is not a designated project under the EIAO. The applicant has followed the requirements as stipulated under Technical Note No. 13/2003 to complete a Preliminary Environmental Review Report, which was approved by his office in March 2022; and
- (c) there was no environmental complaint received in the past 3 years for the Site.

### **Urban Design and Landscape**

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

- (a) no comment on / no objection to the application from urban design, visual and landscape planning perspectives;

#### *Urban Design and Visual*

- (b) the proposed development comprising a single storey structure of sewage pumping station with BH of about 13mPD (i.e. 8m) is considered not incompatible with the surrounding low-rise pumping station, rural settlements and cross-boundary facilities. According to the submission, landscape planting with boundary fencing wall, as well as façade treatments will be adopted to mitigate potential visual impact to the surroundings (**Drawings A-6 to A-10**);

### Landscape

- (c) based on the aerial photo, the Site is located in an area of rural inland plains landscape character comprising farmlands, village houses, vegetated areas with clusters of tree groups, woodland within the “Green Belt” zone, and public utilities in the immediate northwest of the Site within the “Government, Institution or Community” zone. The proposed development near the existing public utility is considered not incompatible with the landscape character surrounding the Site (**Plan A-2**);
- (d) it is noted that all existing trees of common species within the Site are proposed to be felled (i.e. total of 17 trees), and 21 compensation trees are proposed to be planted at the periphery of the Site (**Drawing A-6**). Significant adverse landscape impact arising from the proposed development is not anticipated; 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 under lease. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works.

### Fire Safety

#### 9.1.5 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of his department;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administrated by the Buildings Department.

### Others

#### 9.1.6 Comments of the Commissioner of Police (C for P):

- (a) no adverse comment on the application;
- (b) there are two routes accessing the Site. The first one is via Man Kam To Boundary Control Point (MKT BCP) and a boundary fence gate near the proposed development, which are located within the Closed Area (**Plan A-1**). Due to boundary security, the gate is closed round the clock. The second route is via a private road from Muk Wu Village leading to the Site. However, the concerned private road is recently blocked by the landlord, and hence no vehicle could access the Site from Mu Wuk Village;
- (c) other than emergency, the boundary fence gate could be opened by the Police, when:

- (i) prior request is made;
  - (ii) the request is based on reasonable ground; and
  - (iii) the persons/vehicles accessing the gate shall possess valid Closed Area Permit and Closed Road Permit (Permitted for access MKT BCP).
- (d) during the construction period, if the boundary fence gate is required to be prolong opened, the applicant/contractor shall employ security guard at the gate for access control and subject to the conditions by the Police.

#### **District Officer's Comments**

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

- (a) he has consulted the locals regarding the application;
- (a) the Indigenous Inhabitant Representative (IIR) of Muk Wu supports the application; and
- (b) the 1<sup>st</sup> Vice-Chairman of Ta Kwu Ling District Rural Committee, Chairman of Fung Shui Area Committee, the incumbent North District Councilor of N16 Constituency, the Indigenous Inhabitant Representative (IIR) of San Uk Ling, the Resident Representative (RR) of Muk Wu and the RR of San Uk Ling have no comment on the application.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Chief Engineer/ Construction, Water Supplies Department (CE/C, WSD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (g) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD).

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

On 22.4.2021, the application was published for public inspection. During the statutory public inspection period, a total of four public comments were received (**Appendix II**) from a North District Council member, the Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society and an individual. Among them, 3 are raising objection to/concerns on the application and one indicates no comment. The main grounds of the objection and concerns include being not in line with the planning intention of the “AGR” zone; loss of farmland; and undesirable precedent for similar applications.

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

- 11.1 The applicant seeks planning permission for a proposed MWSPS at the Site within an area zoned “AGR” on the OZP. The proposed MWSPS forms part of the proposed sewerage works namely “PWP Item No. 4345DS-1 North District Sewerage Stage 2 Part 2A – Village Sewerage in Muk Wu, New Territories”, the scope of which is to provide public sewerage system for the unsewered Muk Wu Village by enabling the sewage be connected to the proposed sewerage network for onward transmission to SWHEPP for centralised treatment and disposal. While the planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, the proposed MWSPS serves to alleviate the water pollution problem and bring environmental improvement to the area. It is an essential infrastructure and warrants exceptional consideration. In this regard, DAFC has no comment on the application from agricultural perspective.
- 11.2 According to the applicant, the identification of a suitable site for development of the proposed SPS is heavily constrained by the topographic feature, accessibility of the Site, and local views. Having comprehensively considered the technical constraints, the applicant considers that the Site is the most suitable location for the proposed MWSPS for the reasons set out in paragraph 2(a) above.
- 11.3 The Site is located at the fringe of the “AGR” zone with active/fallow agricultural land. The proposed SPS is considered not incompatible with the surrounding low-rise public utilities and rural settlements. The building façade and boundary fencing of the proposed development will be treated with material and colour harmonious to the surrounding natural setting. Although 17 existing trees of common species within the Site will be removed due to the proposed development, compensation planting of 21 trees are proposed at the periphery of the Site. CTP/UD&L of PlanD has no objection to / no comment on the application from landscape, urban design and visual point of view.
- 11.4 DEP advises that the potential environmental impacts are unlikely to be adverse and the mitigation measures approved under the PER would meet the relevant statutory requirements. Other relevant government departments consulted, including C for T and D of FS etc. have no objection to or no comment on the application. To address the technical requirements of concerned government department, relevant approval condition is recommended in paragraph 12.2 below.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government department’s comments and the planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into the local views conveyed by DO(N), HAD and public comments as detailed in paragraphs 9.1.7 and 10 respectively, 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 10.6.2026, 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 and implementation of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory Clauses

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

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**

<b>Appendix I</b>	Application Form received on 14.4.2022
<b>Appendix Ia</b>	Supporting Planning Statement received on 14.4.2022
<b>Appendix Ib</b>	SI received on 20.4.2022
<b>Appendix Ic</b>	SI received on 21.4.2022
<b>Appendix Id</b>	FI received on 6.5.2022
<b>Appendix Ie</b>	FI received on 13.5.2022
<b>Appendix If</b>	FI received on 23.5.2022
<b>Appendix Ig</b>	FI received on 25.5.2022
<b>Appendix Ih</b>	FI received on 27.5.2022
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Floor Plan (Basement Floor)
<b>Drawing A-3</b>	Floor Plan (Ground Floor)
<b>Drawing A-4</b>	Floor Plan (Roof Floor)
<b>Drawing A-5</b>	Section Plan
<b>Drawing A-6</b>	Landscape Plan
<b>Drawings A-7 to 10</b>	Perspective Drawings
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos