

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/140

- Applicant** : Light Time Investments Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : Government Land in D.D. 165, Sai Sha, Shap Sz Heung, New Territories
- Site Area** : About 107 m²
- Land Status** : Government Land
- Plan** : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Proposed Public Utility Installation (Underground Stormwater Drain) and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) (**Plans A-1 and A-2**) for proposed public utility installation (underground stormwater drain) with excavation of land. The Site falls within an area zoned “CPA” on the approved Shap Sz Heung OZP No. S/NE-SSH/11. According to the Notes of the OZP, both the ‘Public Utility Installation’ use and excavation of land in the “CPA” zone require planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, the proposed underground stormwater drain is to collect surface runoff from a catchment area covering various public facilities to be implemented under the comprehensive residential, commercial and recreational development with Government, Institution and Community facilities (the Comprehensive Development) approved by the Rural and New Town Planning Committee (the Committee) under Application No. A/NE-SSH/120 on 18.1.2019. These facilities include the widened public road linking Sai Sha Road and Tseng Tau Tsuen, two public open spaces, a welfare centre and public vehicle park and a village access located to the south of Tseng Tau Tsuen (**Drawings A-1 and A-3**). It will also collect stormwater runoff from part of Site B of the Comprehensive Development. The total length of the stormwater drain will be about 42.6m, which is mostly underground with about 7m at the eastern tip exposed above ground (**Drawing A-4**).

1.3 The proposed excavation of land will involve an area of about 71 m² (with a length of 42.6m, depth of 0.1m to 1.9m and width of 1.7m). It will be conducted with a trenchless approach by way of underground directional drilling from submerged hydraulic jacks within Site B of the adjoining Comprehensive Development within “Comprehensive Development Area” (“CDA”) zone towards the coast of Kei Ling Ha Hoi to the east (**Drawings A1 to A5**). The excavated underground soil debris will be transported to the adjacent “CDA” site for disposal. A temporary waterproof membrane of 36m² and surrounded by sand bags (1.7m in height) will be placed at eastern tip of the Site to prevent any leakage of soil debris and/or runoff into the coastal area. The proposed works are anticipated to be completed within 12 weeks and the temporary membrane will be removed upon the completion of the works. The works will be undertaken as part of implementation of the Comprehensive Development and the stormwater drain, which is located on Government land, will be handed back to the Government for management and maintenance.

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

- (a) Application form and attachments dated 7.6.2021 (**Appendix I**)
- (b) Supplementary planning statement dated 7.6.2021 (**Appendix Ia**)
- (c) Further information (FI) dated 2.7.2021 providing responses to Agriculture, Fisheries and Conservation Department’s comments and replacement pages of the ecological impact assessment^ (**Appendix Ib**)
- (d) FI dated 9.7.2021 providing responses to Environmental Protection Department’s comments and replacement pages of the environmental assessment^ (**Appendix Ic**)

(^accepted and 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 supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

- (a) the proposed works forms part of the stormwater drainage system covering a wide catchment including some public facilities. It will serve the public interest by providing a proper public stormwater discharge system in this part of the Sai Sha area which is currently not available;
- (b) three alternative alignment options (**Drawing A-6**) for the proposed drain have been studied, and all are considered infeasible due to landownership issue and unsuitable topography for gravity drainage discharge. The current proposed alignment is feasible as it involves the shortest and most direct route of discharge, falls wholly within Government Land, and currently vacant with suitable topography allowing gravity flow of stormwater to the seafront;

- (c) the project is small in scale and will be completed in only 12 weeks. A trenchless approach by way of underground directional drilling will be adopted for the excavation of land. Machine operation will take place mainly in the adjoining “CDA” zone. Extracted soil debris will be transported back to the “CDA” zone for disposal. A temporary waterproofed membrane surrounded by sand bags will be placed at the eastern end to avoid any soil/debris leakage during the excavation process. The disturbance to the natural coastal environment will be minimized;
- (d) the proposed drainage system would be handed over to the Government for long term management and maintenance upon completion. It will be under close scrutiny by the Government from design to implementation stage;
- (e) an ecological impact assessment has been conducted and it concludes that only minor permanent loss of ruderal vegetation of low ecological value is anticipated with no mature trees and no flora species of conservation importance affected. There are also sufficient water quality control measures proposed in place such that the potential water quality impact would be minor;
- (f) an environmental assessment covering air quality, noise, water quality and waste management aspects has been conducted. It was concluded that no adverse air quality and water quality impact is anticipated. With suitable mitigation measures implemented, the noise impact from the use of machines and heavy vehicles, and the generation of construction waste would also be controllable; and
- (g) a temporary drainage system would be provided during the construction stage to avoid stormwater drainage impact arising from the works. Inspection of the drainage system would be carried out weekly, with cleaning of silt trap carried out daily to ensure the silt-clayed materials and pollutants would not be flushed into the drainage system.

3. Background

Enforcement

- 3.1 The Site falls within an area which is subject of an on-going planning enforcement action against an unauthorized development (UD) involving vehicle park and storage uses (**Plan A-2**). Enforcement Notice and Reinstatement Notice requiring the registered owner to discontinue the UD and reinstate the concerned lots were issued on 15.3.2021 and 12.7.2021 respectively. Prosecution action may be taken if the notices are not complied with.

Comprehensive Development in the adjoining “CDA” zone

- 3.2 The proposed stormwater drain is related to the comprehensive residential, commercial and recreational development with Government, Institution and Community facilities in the adjoining “CDA” zone (No. A/NE-SSH/120), which was approved by the Committee on 18.1.2019. According to the drainage impact assessment submitted by the applicant for compliance with the

relevant approval condition, which has been accepted by Drainage Services Department (DSD) on 9.3.2020, a stormwater drainage system shall be implemented to cover a catchment area comprising various public facilities including the widened public road linking Sai Sha Road and Tseng Tau Tsuen, two public open spaces, a welfare centre and public vehicle park and a village access located to the south of Tseng Tau Tsuen.

4. Compliance with the “Owner’s Consent/Notification” Requirements

As the Site only involves government land, the ‘Owner’s Consent/Notification’ requirements as set out in TPB PG-No. 31A are not applicable to the application.

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 and A-2 and photos on Plans A-3, A-4a to A-4b)

7.1 The Site is:

- (a) located to the southeast of Tseng Tau Village and connected to the site of the approved Comprehensive Development under planning application No. A/NE-SSH/120; and
- (b) currently vacant and partially paved, with vegetation mainly at its eastern end.

7.2 The surrounding areas are predominantly rural in character, situated in an area of rural coastal plains landscape character surrounded by vegetation and village houses. About 25m to the northwest of the Site is the village proper of Tseng Tau. About 5m to the east is the Kei Ling Ha Mangal Site of Special Scientific Interest (SSSI).

8. Planning Intention

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.

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/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application subject to agreement by DSD or other relevant department to take over the completed works; and
- (b) the Site falls within unleased and unallocated Government Land. Should the application be approved by the Board, the applicant needs to obtain his prior approval under the Land (Miscellaneous Provisions) Ordinance (Cap 28) before carrying out any works on the concerned Government land.

Drainage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) upon completion of the proposed works, DSD agrees to take over the management and maintenance of the concerned stormwater drain; and
- (c) the applicant should ensure that the proposed drainage works would be implemented in accordance with the development scheme as submitted in the application. Should there be major changes to the scheme, DSD should be consulted prior to implementation.

Nature Conservation

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

- (a) he notes that the Site encroaches upon the “CPA” zone and is in close proximity with the Kei Ling Ha Mangal SSSI. As the proposed underground stormwater drain is mostly located

underneath a land that is currently vacant and partially paved, he has no comment from nature conservation perspective; and

- (b) on an understanding that the proposed stormwater drain is merely for the collection and discharge of stormwater from the surrounding areas to the sea, no significant adverse ecological impact to the "CPA" zone and the SSSI is anticipated.

Environmental

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

- (a) no objection to the application from the environmental perspective; and
- (b) no insurmountable environmental impact is anticipated from the proposed works with the implementation of the standard pollution control measures and proposed mitigation measures as set out at paragraph (b) of **Appendix III**.

Landscape

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

- (a) no objection to the application from landscape planning perspective;
- (b) the Site is partially covered by vegetation, and situated in an area of rural coastal plains landscape character surrounded by vegetation and village houses. As no mature tree nor flora species of conservation importance would be affected by the proposed works, significant adverse impact on sensitive landscape resources arising from the application is not anticipated;
- (c) the site area for the proposed development is small (i.e. 107m²) and with the adoption of underground directional drilling method, significant adverse impact arising from the proposed works on existing landscape resources and landscape character is not anticipated; and
- (d) in consideration of the limited space within the Site for meaningful landscaping, should the Board approve the application, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO),CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Commissioner for Transport (C for T);
- (e) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (f) Director of Fire Services (D of FS);
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (h) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (i) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

10. Public Comments Received During Statutory Publication Period (Appendix II)

On 15.6.2021, the application was published for public inspection. During the statutory public inspection period, 103 public comments from individuals were received. 102 of them (including Sai Sha residents, Tseng Tau Villagers and members of public) support the application for reasons that the proposed works are totally within Government land with no landownership issue, the proposed drainage system would provide a proper way to discharge the rainwater which can help alleviate flooding risk for the surroundings including Tseng Tau Village, the proposed directional drilling method adopted can minimise the impact on the “CPA” zone, and the proposed development is small in scale with no adverse impact on environmental and ecological aspects (samples at **Appendix II-1 to 11**). An individual objects to the application for reason that the proposed works should be confined to the Comprehensive Development without causing ecological impact (**Appendix II-12**). A full set of the public comments is deposited at the meeting for Members’ inspection.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed public utility installation (underground stormwater drain) and excavation of land at the Site within the “CPA” zone. 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.
- 11.2 The proposed underground stormwater drain is to collect surface runoff from a catchment area covering various public facilities to be implemented under the approved Comprehensive Development at the adjoining “CDA” zone (Application No. A/NE-SSH/120), including the widened public road linking Sai Sha Road and Tseng Tau Tsuen, two public open spaces, a welfare centre and public vehicle park

and a village access located to the south of Tseng Tau Tsuen. It will serve the public interest by providing a proper public stormwater discharge system in this part of the Sai Sha area which is currently not available. The Site comprises entirely Government land and the proposed stormwater drain, upon completion, will be handed back to the Government for management and maintenance.

- 11.3 According to the applicant, the current alignment of the proposed stormwater drain is selected after a site search exercise involving three other alignment options, which are all considered infeasible mainly due to landownership issue and unsuitable topography for gravity drainage discharge. The current proposed alignment is feasible as it involves the shortest and most direct route of discharge, falls wholly within Government Land, and currently vacant with suitable topography allowing gravity flow of stormwater to the seafront.
- 11.4 The proposed stormwater drain is about 42.6m in length and mostly underground with about 7m at the eastern tip exposed above ground. The proposed excavation of land will involve an area of about 71 m² (with a length of 42.6m, depth of 0.1m to 1.9m and width of 1.7m). It will be conducted with a trenchless approach by way of underground directional drilling from submerged hydraulic jacks within Site B of the adjoining Comprehensive Development within “CDA” zone towards the coast of Kei Ling Ha Hoi to the east. The excavated underground soil debris will be transported to the adjacent “CDA” site for disposal. A temporary waterproof membrane of 36m² and surrounded by sand bags (1.7m in height) will be placed at eastern tip of the Site to prevent any leakage of soil debris and/or runoff into the coastal area. The proposed works are anticipated to be completed within 12 weeks and the temporary membrane will be removed upon the completion of the works. CE/MN of DSD has no objection to the proposal from public drainage viewpoint and confirms that it would take over the management and maintenance of the proposed stormwater drain upon the completion of the proposed works.
- 11.5 The proposed development is small in scale and not entirely incompatible with the surrounding environment which is situated in an area of rural coastal plains landscape character surrounded by vegetation and village houses. No mature tree nor flora species of conservation importance would be affected by the proposed works. CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as significant adverse impact arising from the proposed works on existing landscape resources and landscape character is not anticipated with the underground directional drilling method proposed.
- 11.6 The applicant has conducted ecological impact assessment and environmental assessment to demonstrate that the proposed development would not result in significant adverse ecological and environmental impacts. Noting that the proposed stormwater drain is located mostly underneath a land which is vacant and partially paved, DAFC has no comments on the application from nature conservation perspective. DEP has no objection to the application as there are no insurmountable environmental impact anticipated with the implementation of the standard pollution control measures and proposed mitigation measures. All other relevant government departments have no objection to/ adverse comment on the application.

- 11.7 There are 103 public comments received on the application, of which 102 indicate support to the application. Regarding the remaining public comment raising objection as mentioned in paragraph 10, the government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, 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 ~~13.7.2025~~ **23.7.2025**, 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 implementation of the proposed development to the satisfaction of Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

- 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 clauses 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 and attachments dated 7.6.2021
Appendix Ia	Supplementary planning statement received on 7.6.2021
Appendix Ib	Further information received on 2.7.2021
Appendix Ic	Further information received on 9.7.2021
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses

Drawings A-1	Catchment area plan
Drawings A-2 to A-3	Proposed alignment plans
Drawing A-4	Section plan of the proposed alignment
Drawing A-5	Plan showing the Site and surrounding context
Drawing A-6	Alternative alignments plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4b	Site photos

PLANNING DEPARTMENT
JULY 2021