

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/ST/1023

<u>Applicant</u>	: Design Division of Water Supplies Department (WSD) represented by PlanPlus Consultancy Limited
<u>Site</u>	: Government Land in D.D. 184, Sha Tin Tau New Village, Sha Tin, New Territories
<u>Site Area</u>	: About 328.8m ²
<u>Total Gross Floor Area (GFA)</u>	: About 75.9m ²
<u>Land Status</u>	: Government land (GL)
<u>Plan</u>	: Approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/36 (at the time of submission) Draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/37 (currently in force)
<u>Zoning</u>	: “Open Space” (“O”) (no change to the subject “O” zone on the current OZP)
<u>Application</u>	: Proposed Public Utility Installations (Fresh Water Pump House and Fresh Water Tank)

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed Fresh Water Pump House (FWPH) and Fresh Water Tank (FWT) at two pieces of GL in Sha Tin Tau New Village (the Sites) which fall within areas zoned “O” on the approved Sha Tin OZP (**Plan A-1**). According to the Notes of the OZP, the proposed FWPH and FWT, which are regarded as ‘public utility installation’, is a Column 2 use in the “O” zone requiring planning permission from the Town Planning Board (the Board), while the associated water mains are considered as ‘public utility pipeline’, always permitted within the boundaries of the OZP.
- 1.2 According to the applicant, most of the existing residences in Sha Tin Tau New Village are covered by the existing fresh water supply zone of WSD. As the village continues developing uphill, some of the village houses in the uphill area are located outside the existing fresh water supply zone due to insufficient water pressure and are currently relying on raw water from nearby stream. Upon request of the villagers in 2021 and confirmation on the technical

feasibility, the applicant proposes to extend the fresh water supply zone uphill (**Drawing A-1**).

- 1.3 Under the proposed design, fresh water is sourced from the proposed FWPH at the entrance of Sha Tin Tau New Village at the foothill and directly pumped to the proposed FWT uphill via the associated water pumping mains with a total length of about 1,817m along a footpath (**Drawing A-2, Plans A-2a and A-2b**). Fresh water will be distributed to residents in the area via the distribution mains (**Drawing A-2**). Land resumption, clearance of domestic structure or termination of Government Land Licence is not required under the project. While the proposed FWPH will be located next to Lion Rock Tunnel Road to facilitate maintenance access, the proposed FWT will be located uphill next to Wilson Trail Section 5. The layout plans of the proposed FWPH and FWT are shown in **Drawings A-3 and A-4** and the major development parameters are tabulated below and:

Proposed Development	Site Area (About)	GFA (Plot Ratio)	Dimensions	Site Coverage	Max. Building Height(BH) (No. of Storeys)
FWPH	165.3m ²	39.9m ² (0.24)	7m(L) x 4.65m(W)	19.7%	7.8m/ 40.5mPD (1)
FWT	163.5m ²	36m ² (0.22)	6m(L) x 6m(W)	22%	3.998m/ 151.185mPD (1)

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

- (a) Application Form received on 6.10.2023 (Appendix I)
- (b) Supplementary Planning Statement including (Appendix Ia)
Ecological Assessment, Geotechnical Planning Review
Report, Photomontages and Compensatory Planting
Plan
- (c) Further Information (FI) received on 14.11.2023* (Appendix Ib)
- (d) FI received on 17.11.2023* (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 **Appendices Ia to Ic**, as summarized as follows:

- (a) the proposed water supply system is essential in providing a safe, reliable, and readily accessible source of fresh water supply to the villagers of Sha Tin Tau New Village and will eliminate the need to rely on stream water for daily needs;
- (b) the Sites are most suitable for the proposed FWPH and FWT from the perspectives of hydraulic requirements and potential environmental, visual and landscape impacts, as well as accessibility requirement for fire services. The

facilities are proposed to be located on GL to avoid land resumption. The higher altitude of the proposed FWT allows it to provide a fresh water supply with sufficient water pressure by gravity to the village houses in the uphill area;

- (c) the proposed development will not jeopardize the planning intention of the “O” zone and will not be incompatible with the surrounding as it is small in scale and will not change the rural setting of the area. The applicant is committed to restore the environment once construction is completed through compensatory tree planting at FWT and restoration of the footpath along the distribution mains;
- (d) according to the applicant, given the small scale and low building height of the proposed FWPH and FWT, visual impact on public viewers are limited as demonstrated in the photomontages (**Drawings A-5a to A-5d**). To mitigate the visual impact of the proposed development, the structural elements and building footprints would be minimized to reduce the need of land formation works and topographical alteration; and the external wall of the FWPH is proposed to be painted in dark green to match with the surroundings;
- (e) according to the applicant’s Tree Survey and Compensatory Planting Plan, a total of 8 trees (3 trees and 5 trees at the proposed FWPH and FWT respectively) at the Sites will be affected and felled. To compensate for the loss, 8 new trees are proposed to be planted near the FWT. The indicative compensatory planting plan and Landscape Plan are shown in **Drawings A-6 to A-8**. No adverse landscape impact is anticipated;
- (f) according to the ecological assessment conducted by the applicant, the ecological impact due to the proposed FWPH and FWT is minor to negligible. There will be no direct impact on the recognised site of conservation importance as the Sites will not encroach upon the Lion Rock Country Park; and
- (g) no adverse traffic, environmental and geotechnical impacts arising from the proposed development are anticipated.

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. 31B) are not applicable to the application.

4. Previous Application

There is no previous application at the Site.

5. **Similar Applications**

There is no similar application for ‘Public Utility Installation’ in the subject “O” zone and the vicinity of Sha Tin Tau New Village.

6. **The Site and its Surrounding Areas (Plans A-1 to A-4d)**

6.1 The Sites: **(Plans A-1, A-3, A-4a to 4c)**

- (a) the site of the proposed FWPH is: **(Plans A-2a, A-3 and A-4a)**
 - (i) located adjacent to the pavement of Lion Rock Tunnel Road and at the foothill of the Lion Rock and Sha Tin Tau New Village;
 - (ii) hard-paved and vacant. A bus stop and the access road to Sha Tin Tau New Village are located nearby;
- (b) the site of the proposed FWT is: **(Plans A-2b, A-3 and A-4c)**
 - (i) located uphill of Sha Tin Tau New Village at a site level of about 147.2mPD and adjacent to Wilson Trail Section 5; and
 - (ii) largely vacant and covered with existing trees of common species.

6.2 The surrounding areas have the following characteristics: **(Plan A-1 and A-3)**

- (a) mainly consists of low-rise village settlements/temporary structures scattered on the hillside, with BHs ranging from 1- to 2-storeys;
- (b) to the northeastern side of Sha Tin Tau New Village is Sha Tin New Town with high-density residential developments, some villages and open spaces mainly on vegetated slopes; and
- (c) MTR Che Kung Temple Station is located about 500m to the northwest from the proposed FWFH site.

7. **Planning Intention**

The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

8. **Comments from Relevant Government Departments**

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

Land Administration

8.1.1 Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) the sites for the proposed FWPH and FWT currently fall within (i) STLA-TST51 allocated to the applicant for a period from 27.2.2023 to 31.12.2023 to allow site investigation works and ancillary works for the design of FWPH and the FWT; (ii) the Strategic Cavern Area No. 22; (iii) the resumption limit for Improvement of Lion Rock Tunnel; and (iv) the clearance limit for Tolo Harbour Sewerage of Unsewered Area. While there is no in-principle objection to the subject application, his office will defer to Civil Engineering and Development Department (CEDD), Highways Department (HyD) and Drainage Services Department (DSD) to provide their comment in respect of (ii), (iii) and (iv) above respectively;
- (b) the applicant has submitted to his office an application for Permanent Government Land Allocation (PGLA) in respect of the proposed FWPH and FWT. The boundaries of the application sites under the current planning application are different from that under WSD's PGLA application. Subject to the planning approval, the PGLA application will be considered by LandsD at its own discretion based on the approved proposal (including the boundaries of the FWPH and the FWT) and any approval given for such PGLA may be subject to such terms and conditions imposed by LandsD;
- (c) given that the applicant will take up future maintenance responsibility for those compensatory trees, he has no adverse comment on the tree compensatory proposal; and
- (d) according to the Planning Statement, associated water mains will be laid within the existing access road between the FWPH and the FWT. The proposed water mains mainly fall within UUGL but some sections of the proposed water mains fall within private lot and the areas held under Government Land Licences. He has accepted the Clearance Application Form for the FWPH, the FWT and the associated water mains submitted by the applicant on the condition that neither land resumption nor clearance of domestic structure nor termination of the aforesaid licences are required and on the understanding from the applicant that they would invoke the Waterworks Ordinance (Cap. 102) to lay the water mains within the private lot and areas held under Government Land Licences, which contain no licence condition to facilitate the laying works.

Urban Design, Visual and Landscape

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

Urban Design

- (a) given its scale, height and site context, the proposed development will unlikely induce any significant adverse visual impact on the surrounding area;
- (b) according to the applicant's submission, mitigation measures such as wall painting for the FWPH and compensatory planting for the FWT are proposed to minimize the potential visual impacts;

Landscape

- (c) based on the aerial photo of 2022, the site is situated in an area of miscellaneous urban fringe landscapes character comprising high rise residential building at north, village houses, clusters of tree groups and dense woodland. Significant impact on the landscape character arising from the proposed development is not anticipated;
- (d) significant adverse landscape impact on the existing landscape resources arising from the proposed use is not anticipated. She has no objection to the application from landscape planning perspective;
- (e) the applicant is reminded that adequate spacing for new tree plantings should be provided for future growth of tree canopy; and
- (f) 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.

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

- the applicant is advised to review the treatment/articulation of the building facades of the FWPH and consider screening measure along the site boundary where appropriate in the detailed design stage in order to blend in more harmoniously with the immediate surrounding environment.

Open Space Provision

8.1.4 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) he has no in-principle objection to the captioned application as far as sufficient open space has been reserved on the OZP to cater for the long-term need of projected population; and
- (b) the sites are not on the priority list for the development of leisure and cultural services projects in the Sha Tin District, hence there is no implementation programme for the sites currently.

Fire Safety

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

- (a) he has no in-principle objection to the application. The applicant has submitted proposals for fire service installations (FSI) and emergency vehicular access (EVA) for the proposed FWPH which were approved by his office in August 2023; and
- (b) should the proposed works encroach onto any licensed premises in the area, such as dangerous goods store, the consultant should make separate enquiry to him to ensure work feasibility.

Others

8.1.6 The Director of Food and Environmental Hygiene (DFEH) has no adverse comments on the application and advises that:

- (a) no Food and Environmental Hygiene Department's (FEHD) facilities should be affected; and
- (b) the proposed work and operation should not encroach onto the public place or generate environmental nuisance to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from such activity / operation, the applicant should arrange disposal properly at their own expenses.

8.2 The following government departments has no objection to/comment on the application:

- (a) Commissioner for Transport (C for T);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Director of Environmental Protection (DEP);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (f) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO),CEDD);

- (g) Chief Engineer/Mainland North, Drainage Service Department (CE/MN, DSD).
- (h) District Officer/Shia Tin, Home Affairs Department (DO(ST), HAD); and
- (i) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

9. Public Comment Received During Statutory Publication Period

On 13.10.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual who considers that the proposed facilities should be within the village and should not extend further into the natural environment (**Appendix II**).

10. Planning Considerations and Assessments

- 10.1 The subject application is for the proposed FWPH and FWT at Sha Tin Tau New Village (**Plan A-1**) to provide a reliable water supply for its residents. The proposed FWPH with GFA of about 39.9m² and BH of about 7.8m is situated at the foothill of Lion Rock, and the proposed FWT with GFA of about 36m² and BH of about 4.0m is located further uphill at a site level of about 147.2mPD abutting Wilson Trail Section 5. According to the applicant, the sites are considered most suitable for the proposed FWPH and FWT taking into account land availability, maintenance access, technical feasibility and impact to the public and environment as demonstrated by the applicant.

Land Use Compatibility

- 10.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Located on a hillslope connecting to Wilson Trail and Lion Rock Country Park, the subject “O” zone is suitable for passive recreational purposes. As advised by DLCS, there is currently no programme for open space development in the area. While the subject “O” zone has not been counted for the open space provision, there is a surplus of district and local open space of about 10.9ha and 63.9ha respectively in the Sha Tin Planning Area and the overall provision of open space is considered adequate to meet the demand of the planned population. In view of the small scale and low BH of the proposed FWPH and FWT, the impact on the character of the “O” zone would be minimal and the proposed FWPH and FWT are considered not incompatible with the surrounding village setting.

Landscape and Visual Aspects

- 10.3 Given its scale and site context, CTP/UD&L, PlanD considers that the proposed development will unlikely induce any significant adverse visual impact on the surrounding areas. CA/ASC, ArchSD has advised the applicant to review the architectural treatment of the FWPH and FWT to blend in more harmoniously with the immediate surrounding environment. In this regard, an advisory clause is suggested should the application be approved. Regarding the landscape impact, a compensatory ratio of 1:1 will be adopted to compensate the 8 common trees felled. CTP/UD&L, PlanD considers that significant adverse landscape impact on the existing landscape character and resources arising from

the proposed use is not anticipated and has no objection to the application from landscape point of view.

Other Technical Aspects

- 10.4 DAFC, DEP, D of FS and C for T have no objection to/adverse comments on the application. No significant adverse impacts on ecological, environmental, fire safety and traffic aspects are envisaged.

Public Comment

- 10.5 Regarding the public comment's concerns on site selection, the applicant's justifications in paragraphs 2(a) to 2(c) above, and the planning assessment and comments of government departments in paragraphs 10.2 to 10.4 above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.11.2027, 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 recommended advisory clauses are attached at **Appendix III**.
- 11.3 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application Form received on 6.10.2023
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI received on 14.11.2023
Appendix Ic	FI received on 17.11.2023

Appendix II	Public Comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Proposed Fresh Water Supply Zone
Drawing A-2	Locations of the Main Components of the Project
Drawing A-3	Layout Plan of FWPH
Drawing A-4	Layout Plan of FWT
Drawings A-5a to A-5d	Photomontages of the Proposed Development
Drawing A-6	Compensatory Tree Planting Plan
Drawing A-7	Landscape Plan at FWPH
Drawing A-8	Landscape Plan at FWT
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

PLANNING DEPARTMENT
NOVEMBER 2023