

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

**APPLICATION NO. A/YL-HTF/1162**

**Applicant** : Water Supplies Department

**Site** : Government Land (GL) in D.D. 128, Sheung Pak Nai, Yuen Long, New Territories

**Site Area** : About 4m<sup>2</sup>

**Land Status** : GL

**Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12

**Zoning** : “Coastal Protection Area” (“CPA”)

**Application** : Proposed Excavation and Filling of Land for Permitted Waterworks Implemented by Government

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed excavation and filling of land for permitted waterworks implemented by Government at the application site (the Site) zoned “CPA” on the OZP (**Plan A-1**). According to the Notes of the OZP, while waterworks (excluding works on service reservoir) implemented by Government are always permitted, excavation and filling of land within the “CPA” zone require planning permission from the Town Planning Board (the Board). The Site is located on an existing paved local track (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed excavation and filling of land are for the laying of a water main (tee connection with diameter of 20mm and length of about 1.5m) to supply fresh water to a residential structure (with Squatter Control Surveyed Number) adjacent to the Site. Both the excavation and filling works will involve an area of 4m<sup>2</sup> and 0.6m in depth. The excavated area will be backfilled to the original ground level and condition. Site plan and schematic section submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 In support of the application, the applicant submitted the following documents:
  - (a) Application Form with attachment received on (**Appendix I**) 30.8.2023
  - (b) Supplementary Information (SI) received on 5.9.2023 (**Appendix Ia**)

- (c) Further Information (FI) received on 11.10.2023 (Appendix Ib)  
*[accepted and exempted from publication requirements]*

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) Since the excavation and filling works for laying water main are shallow and small-scale, there would not be adverse traffic, environmental and drainage impacts. Only minor and temporary obstruction to the existing local track during construction stage is anticipated.
- (b) Upstands, for example sandbags, will be placed along either side of the trench to minimise washing down of the excavated materials.

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

As the Site involves GL only, the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable.

## 4. **Background**

The Site is currently not subject to any planning enforcement action.

## 5. **Previous Application**

The Site is not involved in any previous application.

## 6. **Similar Applications**

- 6.1 There is a similar application (No. A/YL-HTF/1127) involving filling of land for permitted agricultural use and ancillary office within the same “CPA” zone, which was rejected by the Rural and New Town Planning Committee (the Committee) in 2022 mainly on the grounds of not in line with the planning intention and failure to demonstrate no adverse landscape impact. Details of the application are summarised at **Appendix II** and the location is shown on **Plan A-1**.
- 6.2 Application No. A/YL-PN/71 for the same proposed development as the current application at the “CPA” zone of the Sheung Pak Nai and Ha Pak Nai OZP will be considered in the same meeting.

## 7. **The Site and Its Surrounding Areas (Plans A-2 to A-4)**

- 7.1 The Site is located on an existing paved local track leading from Deep Bay Road.

- 7.2 The surrounding areas are predominantly rural in character comprising residential dwellings, cultivated agricultural land, ponds, mangrove and vacant/unused land scattered with areas used for storage. The concerned residential structure to be connected with the proposed water main is situated to the immediate east of the Site.

## **8. Planning Intention**

- 8.1 The “CPA” zone is intended 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 are essential infrastructure projects with overriding public interest may be permitted.
- 8.2 As filling of land/pond and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, and in view of the conservation value of the area within the “CPA” zone, 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/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) he has no adverse comment on the application;
  - (b) the existing structure adjacent to the Site (which would be supplied with fresh water) bears the Squatter Control Surveyed Number and is for domestic use; and
  - (c) his advisory comments are at **Appendix III**.

### **Landscaping**

- 9.1.2 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):
- (a) she has no comment from landscape planning perspective; and
  - (b) according to the aerial photo of 2022, the Site is situated in an area of rural coastal plains landscape character predominated by village houses, ponds and woodland. With reference to the site photos dated September 2023, the Site is concrete-paved without any existing vegetation.

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

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

His office has not received any locals' comment on the application.

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (d) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) Commissioner for Transport (C for T);
- (g) Commissioner of Police (C of P);
- (h) Director of Fire Services (D of FS);
- (i) Director of Agriculture, Fisheries and Conservation (DAFC);
- (j) Director of Environmental Protection (DEP); and
- (k) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO).

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

On 8.9.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

11.1 The application is for proposed excavation and filling of land for permitted waterworks implemented by Government at the Site zoned "CPA" on the OZP. According to the applicant, the proposed excavation and filling works, which involve an area of 4m<sup>2</sup> and a depth of 0.6m, are for laying of a water main (tee connection) to supply fresh water to a residential structure adjacent to the Site (**Drawing A-1**). DLO/YL, LandsD advises that the concerned structure is a surveyed squatter structure for domestic use. Excavation and filling of land within the "CPA" zone requires planning permission as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, CE/MN, DSD and DAFC have no objection to or no comment on the application from drainage and nature conservation perspectives. The proposed excavation and filling of land can be considered as essential infrastructure works providing fresh water to local residents and are therefore not in conflict with the planning intention of the "CPA" zone.

11.2 The Site is located on an existing paved local track. In view of the small scale of the proposed works (i.e. 4m<sup>2</sup>), it is considered not incompatible with the

surrounding areas, which comprise predominantly residential dwellings, ponds and vacant/unused land (**Plans A-2 and A-3**). Other relevant government departments including C for T, DEP and CTP/UD&L, PlanD have no objection to or no adverse comment on the application. The proposed excavation and filling works will unlikely create adverse traffic, environmental and landscape impacts on the surroundings.

- 11.3 There is one similar application (No. A/YL-HTF/1127) involving filling of land within the same “CPA” zone rejected by the Committee in 2022 mainly on the grounds of not in line with the planning intention and failure to demonstrate no adverse landscape impact. The considerations for the current application are different in that the proposed works are to facilitate the provision of essential public utility; small in scale; all relevant departments have no adverse comment and adverse landscape impact arising from the proposed works is not anticipated. Approval of the current application is not in conflict with the previous decision of the Committee.

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

- 12.1 Based on the assessments made in paragraph 11, 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 **27.10.2027**, 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**.
- 12.3 There is no strong reason to recommend rejection of the application.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the 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 with Attachment received on 30.8.2023
<b>Appendix Ia</b>	SI received on 5.9.2023
<b>Appendix Ib</b>	FI received on 11.10.2023
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Plan

**Drawing A-2**  
**Plan A-1**  
**Plan A-2**  
**Plan A-3**  
**Plan A-4**

Schematic Section  
Location Plan  
Site Plan  
Aerial Photo  
Site Photos

**PLANNING DEPARTMENT**  
**OCTOBER 2023**