

RNTPC Paper No. A/YL-MP/305
For Consideration by
the Rural and New Town
Planning Committee
on 13.8.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/305

<u>Applicant</u>	: World Wide Fund for Nature Hong Kong (WWFHK) represented by PlanArch Consultants Limited
<u>Site</u>	: Government Land in D.D. 101 and 104, Tam Kon Chau Road, Mai Po, Yuen Long
<u>Site Area</u>	: About 163.3m ²
<u>Lease</u>	: Government Land (GL)
<u>Plan</u>	: Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<u>Zoning</u>	: “Conservation Area” (“CA”) (about 90.1% of the Site) “Government, Institution or Community” (“G/IC”) (about 9.9% of the Site)
<u>Application</u>	: Proposed Utility Installation for Private Project (Underground Stormwater Drainage Pipe) and associated Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed utility installation for private project (underground stormwater drainage pipe) and associated filling and excavation of land at the application site (the Site) which falls within an area partly zoned “CA” (90.1%) and partly zoned “G/IC” (9.9%) on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6 (**Plan A-1**). The proposed underground stormwater drainage pipe is to support the redevelopment of WWFHK’s Peter Scott Field Studies Centre (PSFSC). The proposed underground stormwater drainage pipe will be connected from the future drainage system of PSFSC within the “G/IC” zone. It will be laid underneath Tam Kon Chau Road and ended with a proposed outfall at a stream near the boundary security fence within the “CA” zone (**Drawings A-1, A-2 and Plan A-2**). According to the Notes of the OZP, ‘Field Study/Education/Visitor Centre’ is always permitted within the “G/IC” zone and planning permission is not required

for the portion of the proposed underground stormwater drainage pipe which is directly related and ancillary to the permitted use within the same “G/IC” zone. However, planning permission is required for ‘Utility Installation for Private Project’ and filling and excavation of land within the “CA” zone.

- 1.2 The Site is mainly along a section of the existing Tam Kon Chau Road. According to the applicant, the proposed underground stormwater drainage pipe (with its eastern end connecting a proposed manhole in the northwestern corner of PSFSC and western end at a natural stream) has a diameter of 0.45m and a total length of 142m (128m in “CA” zone and 14m in “G/IC” zone). The depth of excavation for laying the pipe is about about 1m to 2.1m. The excavation area in “CA” zone is about 147.2m² (128m (L) x 1.15m (W)) and in “G/IC” zone is about 16.1m² (14m (L) x 1.15m (W)). Upon installation of the proposed underground drainage pipe, the Site will be covered with the original material type. All construction works will be completed within 6 weeks. After completion of works, stormwater collected at the new field studies centre will be conveyed and discharged at the stream. The proposed drainage pipe will be maintained by WWFHK.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 26.4.2021 (Appendix I)
 - (b) Planning Statement with Drainage Impact Assessment (DIA) and Ecological Impact Assessment (EcoIA) (Appendix Ia)
 - (c) Further Information (FI) received on 8.6.2021 providing responses to departmental comments and replacement pages of EcoIA[#] (Appendix Ib)
 - (d) FI received on 17.6.2021, 18.6.2021 and 21.6.2021 providing responses to departmental and public comments, revised drawing on the proposed outfall, revised EcoIA, revised drainage layout and revised catchment plan * (Appendix Ic)
 - (e) FI received on 26.7.2021 providing two enlarged figures of the EcoIA [#] (Appendix Id)

[#] *exempted from publication requirement*

^{*} *not exempted from publication requirement*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Planning Statement and FI at **Appendices I to Id**. They can be summarised as follows:

Essential to the upgrading of WWFHK’s field studies centre

- (a) WWFHK has been in collaboration with Agriculture, Fisheries and Conservation Department (AFCD) to actively conserve the wetlands and biodiversity and with Education Bureau to develop and run education programme for students for over 30 years. The new PSFSC, within “G/IC” zone, is an integral component of its

education programme to support the education and training needs of students, teachers and public visitors, as well as providing for researchers and birdwatchers. Monitoring and research are conducted in the Mai Po Nature Reserve by various institutions and experts. WWFHK uses the field studies centre as a base to run wetland management training for nature reserve managers in the region, as well as offering science-based experience and projects to the youth and other community and volunteer groups. It also provides guided visits to facilitate community appreciation / awareness of nature and biodiversity with nature.

In line with the planning intention of “CA” and “G/IC” zones

- (b) The proposed development is an essential infrastructure with overriding public interest to support WWFHK’s new PSFSC and its future education programme and is in line with the planning intention of the “CA” and “G/IC” zones. The nature of use, scale of the proposed development and extent of excavation have been carefully considered to minimise potential environmental, ecological and drainage impacts to the surrounding environment and the flora and fauna.

No adverse drainage impact

- (c) The existing stormwater drainage system at the original field study centre approved by the Buildings Department (BD) in 1989 has an outfall to discharge surface runoff to a nearby fishpond. As the fishpond is under private ownership and its status may change over time, Drainage Services Department (DSD) suggested that a more reliable proposal for proper discharge should be designed. The proposal to discharge to the nearby stream on GL has been agreed by DSD. It provides a reliable and permanent drainage arrangement to discharge the surface run-off intercepted via the proposed drainage system within the new field studies centre. Proper maintenance of the proposed underground drainage pipe will be undertaken by the applicant. The proposed drainage arrangement will ensure there will be no adverse drainage impact on the surrounding environment according to the submitted DIA.

No adverse traffic impact

- (d) Only transportation of a small excavator, equipment and pipes by one 5.5 tonnes lorry crane vehicle and one 5.5m³ concrete truck mixer to the Site via Tam Kon Chau Road will be needed in carrying out the works. Workers will take public transport and then walk to the Site. There will be no other traffic trips or car parking on daily basis during construction.

No adverse ecological and environmental impacts

- (e) As the proposed underground stormwater drainage pipe has to be connected to the new drainage system of PSFSC, it cannot be located elsewhere outside the Wetland Conservation Area (WCA). The applicant has exhausted all options to fulfill DSD’s requirement for a permanent and reliable discharge arrangement. The current proposed alignment is the most suitable arrangement accepted by DSD and the shortest route for drainage discharge. The proposed development is in compliance with Town Planning Board Guidelines No. 12C.
- (f) An environmental and ecological assessment (EEA) report with ecological survey covering 500m radius from PSFSC including the Site was prepared for

the redevelopment project of PSFSC in 2019. To support the current application, a review of the EEA report has been undertaken (**Appendix Ic**). According to the EEA, almost all of the species recorded are common, widespread in Hong Kong and habituated to relatively high levels of anthropogenic disturbances. Because the excavation will be along a paved area, there will be no impact on vegetation and floral species. The ponds adjacent to the construction alignment and brackish marsh/natural water courses are identified as an area of indirect impact from pollution by soil and rubbles that could spillover or get washed into them.

- (g) The time period of the proposed excavation is relatively brief, with the entire works to be completed within 6 weeks and most excavation done within 2 weeks. To mitigate the impacts on birds in the area which are habituated to human activity, construction works will be conducted in wet season and avoid dry season in winter months as far as practicable. Works will be scheduled in the day time starting at least one hour after sunrise and ending one hour before sunset (i.e. from 8 am to 5:30 pm). It will be confined to Monday to Saturday, and no construction works will be carried out on Sunday and general holiday to comply with the Noise Control Ordinance.
- (h) Other construction practices suggested include: adopting good site practice following ProPECC PN 1/94; using Quiet Piling Machinery Equipment (QPME) to minimise the noise levels during construction; providing 'ladder-like structure' at the bottom of the excavated ditch for animals falling in to climb out; checking the trench prior to commencing work each day; covering the soil from the construction site to prevent it from being washed/falling into the adjacent ponds; and removing excess rubbles and soil from the construction site immediately.
- (i) During operational phase, the facilities in the new surface runoff system of the field studies centre (e.g. sand trap and catch pit) and silt removal facilities will ensure fallen leaves, soil and other objects will be filtered out before entering the underground pipe. The proposed development will not add to the pollution loading of the Deep Bay Area.
- (j) All relevant statutory requirements for the construction and implementation of the proposed underground stormwater drainage pipe, including application for excavation permit for the proposed works, will be complied with. Since construction works will be carried out on the concrete paved road with the extent of works area and excavation minimised, no-net-loss of wetland is anticipated as the bunds and wetland in the WCA will not be affected and the area or function of the wetland within the Mai Po Nature Reserve will not be adversely affected. No adverse ecological impact will be anticipated.

Others

- (k) There will be no alteration to the structure of the boundary security fence as the proposed outfall will not encroach onto or go beyond the Frontier Closed Area (**Drawing A-2**).
- (l) In response to the public comments on the application (paragraph 11 of the Paper), the applicant has explained to the Indigenous Inhabitant Representatives

(IIRs) of Mai Po Village and San Tin Rural Committee (STRC) on need for the proposed drainage works and that the proposed drainage pipe is only for the discharge of stormwater. The applicant will continue to keep close contact with the locals during the construction and implementation stages.

No undesirable precedent

- (m) Based on the above, approval of the application will support WWFHK's public education and conservation programme at the PSFSC and its on-going effort in wetland conservation and will not set an undesirable precedent.

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 (TPG PG-No. 31A) are not applicable to the application.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

The Site falls within WCA under TPB PG-No. 12C (**Plan A-1**). The key assessment criteria are summarised as follows:

- (a) the WCA comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved. The intention of the WCA is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The Board may consider development with conservation objectives within the WCA under the "private-public partnership approach";
- (b) new development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest. Any such development should be supported by an EcoIA to demonstrate that the development would not result in a net loss in wetland function and negative disturbance impact;
- (c) for any redevelopment which requires planning permission from the Board, an EcoIA would also be required. Wetland compensation is required for any development involving pond filling and mitigation measures against disturbance would be necessary. They would be imposed as part of the planning approval conditions; and
- (d) subject to submission of EcoIAs, the types of activities which may be considered within the WCA must be related to uses concerning (i) conservation of the

wetland in Deep Bay Area, (ii) environmental education, or (iii) essential infrastructure projects needed for public purpose for which no suitable alternative locations outside the WCA could be identified; and should not add to the pollution loading of the Deep Bay Area.

5. Background

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

6. Previous Applications

There is no previous application covering the Site.

7. Similar Applications

There is no similar planning application for utility installation for private project within the “CA” or “G/IC” zones on the OZP.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site extends from the northwestern corner of WWFHK’s PSFSC (under redevelopment) in the “G/IC” zone and is along a section of Tam Kon Chau Road within “G/IC” and “CA” zones.

8.2 The surrounding areas are predominantly fish pond areas and unused land, with and some Government, institution and community facilities, residential dwellings and fish farm uses:

- (a) within the same “G/IC” zone to the north of the PSFSC site (Short Term Tenancy (STT) No. 1159) is a knoll where the Hong Kong Police Force Pak Hok Chau Operational Base is located;
- (b) to the north of Tam Kon Chau Road are a fish farm, a helicopter landing field, Pak Hok Chau Checkpoint, pond areas and unused land;
- (c) to the south of Tam Kon Chau Road are some ponds, a public toilet and some ruin structures; and
- (d) at the western end of the Site is the Closed Area boundary security fence and across the boundary fence is a natural stream. Further west is Mai Po Nature Reserve zoned “Site of Special Scientific Interest”.

9. Planning Intention

The planning intention of the “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay

Area. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site would affect STT No. 1159 (**Plan A-2**) currently let for the purpose of “Site for Carparking, Staff Quarters and Visitors Quarters including a retail shop all in connection with the operation of the adjacent Mai Po Marshes Nature Reserve” for a fixed term of 5 years commencing from 1.10.1989 and thereafter yearly.
- (b) Should the Board decide to approve the application, the applicant has to apply for a STT to give effect to the proposal. However, there is no guarantee at this stage that the STT would be approved. Such application will be dealt with by LandsD acting in the capacity of the landlord at the discretion of LandsD, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of rent and administrative fee as may be imposed by LandsD.

Traffic

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

- (a) The Site is connected to Castle Peak Road – Mai Po via a section of Tam Kon Chau Road which is not managed by Transport Department (TD). The land status of Tam Kon Chau Road should be clarified with LandsD by the applicant.
- (b) The management and maintenance responsibilities of Tam Kon Chau Road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) All vehicles of 10m or above are currently prohibited to enter Tam Kon Chau Road.
- (d) Having considered the applicant’s FI (**Appendix Ib**), he has no adverse comment on the application from traffic engineering perspective.

- (e) Should the Board approve the application, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Tam Kon Chau Road is not maintained by HyD.
- (b) The local road at the western end of Tam Kon Chau Road is maintained by HyD (**Plan A-2**).
- (c) The proposed access arrangement should be approved by TD.
- (d) Excavation Permit on GL and public footpath should be obtained from DLO/YL and his office respectively prior commencement of excavation works on public roads.
- (e) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to nearby public roads and drains.

Environment

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

- (a) He has no objection to the application. According to the applicant, drainage will be collected to the proposed stormwater drain via silt removal facility. Drainage facilities such as sandtrap and catctpit in the new surface runoff system in PSFSC will ensure soil and fallen leaves can be filtered out prior to directing the rain water into the proposed underground drainage pipe and proper maintenance will be provided by the applicant. With these measures, EPD concurs with the applicant's assessment that the proposed underground stormwater drainage pipe will not cause net increase in pollution loading to Deep Bay.
- (b) The applicant should be advised to implement appropriate pollution control measures to minimise short-term environmental impacts during construction. Reference could be made to relevant publications/guidelines including the 'Recommended Pollution Control Clauses for Construction Contracts and ProPECC PN 1/94 'Construction Site Drainage'.

Nature Conservation

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

- (a) The Site is located within an area mainly zoned “CA” with a minor portion zoned “G/IC” on the approved Mai Po and Fairview Park OZP. Besides, the Site falls within the WCA under TPB PG-No.12C and is in close proximity to the Mai Po Nature Reserve. While a significant portion of the drainage pipeline will be within the “CA” zone, the construction works will be of small scale and the affected area will be small.
- (b) It is noted that the construction works will be along an existing paved road and thus there will be no loss of wetland area and function of the wetlands. As such, the proposal is in line with the principle of ‘no-net-loss in wetland’ under TPB PG-No.12C.
- (c) He notes from the applicant’s EcoIA that the construction work will be carried out in wet season and will avoid the dry season as far as practicable, QPME will be used and construction works will be scheduled to minimise the impacts on the birds in the area at all times. With implementation of such mitigation measures, the proposed development generally complies with TPB PG-No. 12C that it will not result in unacceptable disturbance impact.
- (d) In view of the above, he has no strong view on the application from nature conservation point of view.
- (e) Should the application be approved, an approval condition should be incorporated requiring the applicant to submit a report on the implementation of the mitigation measures as proposed in the applicant’s EcoIA to the satisfaction of DAFC or of the Board.

Landscape

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

- (a) She has no objection to the application from landscape planning perspective.
- (b) Based on the aerial photo taken in 2020, the Site is situated in an area of rural coastal plains landscape character comprising of ponds, wetlands, scattered tree groups and small houses. Given the scale and nature of the works, significant change in the surrounding landscape setting is not anticipated.
- (c) According to the site photos, the Site is concrete-paved road and there are no significant landscape resources within the Site. According to the submitted planning statement (**Appendix Ia**), the layout of the applied use is not in direct conflict with existing trees and no tree felling is required.

- (d) Noting that the existing trees along the road are of common species including *Macaranga tanarius* (血桐), *Ficus subpisocarpa* (筆管榕), *Melia azedarach* (苦楝), *Celtis sinensis* (朴樹), and *Ficus microcarpa* (細葉榕), impact of the excavation works on those trees should be insignificant.
- (e) In view that adverse landscape impact within the Site arising from the proposed utility installation is not anticipated, it is considered not necessary to impose a landscape condition should the Board approve the application.
- (f) His detailed comments are at **Appendix III**.

Drainage

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

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) He notes that the application involves the laying of drainage facility under the existing Tam Kon Chau Road for the discharge of stormwater from the Site. Since the facility serves only the Site, it is therefore considered as private drain to be maintained by the owner of the Site (i.e. not by DSD). Previous liaison amongst DSD, the Authorised Person and the consultants of the subject project has already confirmed this maintenance arrangement.
- (c) After completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect, as may be required, the completed drainage works jointly with the applicant with reference to the set of photographs.
- (d) His detailed comments are at **Appendix III**.

Boundary Security

10.1.8 Comments of the Commissioner of Police (C of P):

- (a) He has no adverse comment on the application.
- (b) The applicant should be advised to ensure (i) no alteration will be caused to the structure of boundary security fence; (ii) no unauthorised entry to the Closed Area by any workers during the construction process unless he/she holds valid Closed Area Permit for this construction purpose; (iii) to take all necessary steps to

secure the boundary fence during the construction if any excavation or works concerning the western part of the stormwater pipe will be taken place adjacent to the boundary fence.

10.2 The following Government departments have no comment on or no objection to the application:

- (a) Director of Fire Services;
- (b) Chief Building Surveyor/New Territories West, Buildings Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Project Manager (West), Civil Engineering and Development Department;
and
- (e) District Officer (Yuen Long), Home Affairs Department.

11. Public Comments Received During Statutory Publication Period

11.1 The application was published twice on 4.5.2021 and 25.6.2021 for public comments. A total of 4 opposing public comments (**Appendix II**) were received during the first publication period and no comment was received during the second publication period.

11.2 The 4 opposing comments are from STRC, Mai Po Tsuen Village Office, The Conservation Association and Hong Kong Bird Watching Society. Among them, STRC and Mai Po Tsuen Village Office raise objection to the application on the grounds that stormwater should be discharged to adjacent fishponds rather than building a private drainage pipe under a public access which is the only vehicular access serving the villagers; STRC and local residents have not been consulted; the maintenance and management responsibilities of the drainage pipe and whether it is for rainwater or foul water are unclear; and the proposal would affect the environment of the conservation area and the local villagers if it gives rise to sewerage problem. The Conservancy Association and Hong Kong Bird Watching Society raise concerns on the EcoIA as it has downplayed the high ecological sensitivity of the application site and its surrounding area as important habitats for birds especially during dry season, detailed information on the work programme and construction period is lacking, with incomplete information on the habitat map and inadequate assessment of the impacts on water quality, noise, ecology, disturbance to the night roost at the nearby tree groups, compliance with the zero discharge policy for Deep Bay and cumulative impact arising from the redevelopment of PSFSC and upgrading work for the fire hydrant at Tam Kon Chau Road.

12. Planning Considerations and Assessments

12.1 The applicant proposes to install an underground stormwater drainage pipe (diameter of 0.45m) to connect the drainage system within WWFHK's PSFSC (under redevelopment) with a proposed outfall at the stream near the boundary security fence. The proposed drainage pipe is partly zoned "G/IC" (9.9%) and

partly zoned “CA” (90.1%). Planning permission is required for the portion of the underground drainage pipe and the associated excavation and back-filling of land within “CA” zone. The extent of works within “CA” zone has an area of 147.2m² (length of 128m x width of 1.15m) with a depth of 1 to 2.1m, which will be carried out along the dry and paved land of Tam Kon Chau Road.

Planning Intention

- 12.2 The planning intention of “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest. According to the applicant, the proposed underground stormwater drainage pipe is an essential facility to ensure a more reliable discharge of surface runoff from the new field studies centre upon redevelopment as requested by DSD. CE/MN of DSD has no objection to the current application. As the new field studies centre is an integral component of WWFHK’s education programme to the youth and community and a base to run wetland management training for nature reserve managers, the proposed installation is considered in line with the planning intention of the “CA” zone. Since the “G/IC” zone covering the new field studies centre is surrounded by “CA” zones, there is no other alternative for discharge of the stormwater from the new field studies centre without passing through the “CA” zone. According to the applicant, they have endeavoured to draw up the shortest route for drainage discharge from PSFSC and the extent of excavation works is minimised.

TPB PG-No. 12C

- 12.3 The proposed underground stormwater drainage pipe complies with the intention of the WCA in that it is required to support the redevelopment of PSFSC which promotes conservation of the ecological value of the wetland habitat in the Mai Po Nature Reserve, which forms an integral part of the wetland ecosystem in the Deep Bay Area.
- 12.4 According to the applicant, the works for laying the pipe will be programmed to minimise the impacts on birds (by avoiding dry season, completing works in 6 weeks and restricting construction hours to 8.00am - 5:30pm). Other construction practices suggested in the applicant’s EcoIA include the use of quieter construction machinery and site practices preventing the excavated materials from being washed/falling into the adjacent ponds. Besides, the new runoff system of PSFSC will have appropriate drainage facilities such as sandtrap, catchpit and silt removal facility to prevent objects from entering the stormwater drain during operational phase. DAFC has no strong view on the application considering the fact that the construction works will be carried out along the existing paved road and there is no loss of wetland in terms of area and function. With the implementation of the mitigation measures proposed in the EcoIA, DAFC considers that the proposed development would not result in unacceptable disturbance impact on the surrounding area. DEP also has no objection to the application and concurs with the applicant’s assessment that there will not be increase in pollution loading to the Deep Bay Area as a result of the application. Should the application be approved, the mitigation measure proposed will be

incorporated as approval conditions in paragraphs 13.2(a) and (c) and advisory clause below.

Others

- 12.5 The Site is mainly along an existing paved road. C for T has no adverse comment on the application from traffic engineering perspective. The scale and extent of works for laying the proposed pipe and associated excavation and back-filling of land within “CA” zone is small and no existing vegetation/landscape will be affected. Being an underground installation, the proposed stormwater drainage pipe will not cause visual impact. In this regard, CTP/UD&L of PlanD has no objection to the application. Other concerned government departments have no adverse comments on the application.
- 12.6 As stated in paragraph 11, there are 4 opposing public comments. According to the applicant, they have explained the proposed works to the IIRs of Mai Po Village and STRC and will keep close contact with the locals during implementation stage of the proposed drainage pipe. As for the comments about the EcoIA, the planning considerations and departmental comments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until ~~25.6.2025~~ **13.8.2025**, 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 conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no construction work (including excavation and filling of land and laying of drainage pipe) at the Site is allowed during (i) 5.30pm to 8am from Monday to Saturday and (ii) Sunday and public holidays;
- (b) no vehicles is allowed to queue back to or reverse onto/from public road; and
- (c) submission of a report on the implementation of the mitigation measures proposed in the applicant’s Ecological Impact Assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board.

Advisory clauses

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

13.3 There is no apparent reason to reject the application.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 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.

14.3 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.

15. Attachments

Appendix I	Application Form received on 26.4.2021
Appendix Ia	Planning Statement with DIA and EcoIA
Appendix Ib	FI received on 8.6.2021
Appendix Ic	FI received on 17.6.2021, 18.6.2021 and 21.6.2021
Appendix Id	FI received on 26.7.2021
Appendix II	Public comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Proposed Drainage Layout
Drawing A-2	Indicative Location of the Proposed Drainage Outfall
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2021**