

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/309

<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, Tam Kon Chau Road, Mai Po, Yuen Long
<u>Site Area</u>	: About 900m ²
<u>Land Status</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 91.3% of the Site) “Village Type Development” (“V”) (about 8.7% of the Site)
<u>Application</u>	: Proposed Public Utility Installation (Public Utility Pipe) and associated Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (public utility pipe) and associated excavation and back-filling of land at the application site (the Site) which falls within an area partly zoned “CA” (91.3%) and partly zoned “V” (8.7%) on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6 (**Plan A-1**).
- 1.2 The applicant proposes to install a new two-outlet pedestal street fire hydrant near WWFHK’s Peter Scott Field Studies Centre (PSFSC) at Tam Kon Chau Road with an underground water pipe sourcing water supply from the town water mains at Castle Peak Road – Mai Po to meet the fire services requirement for the redevelopment of PSFSC. The new street fire hydrant will be installed in the redevelopment site of PSFSC (**Drawing A-2**), which itself is zoned “Government, Institution or Community” (“G/IC”), whereas the proposed underground water pipe will be laid underneath Tam Kon Chau Road spanning across primarily the “CA” zone with smaller portion in “G/IC” and “V” zones

(**Plan A-2**). According to the Notes of the OZP, provision of the new street fire hydrant within the “G/IC” zone and the portions of the proposed underground water pipe in areas zoned “G/IC” and “V” are always permitted. However, planning permission is required for provision of public utility pipeline within “CA” zone and excavation and back-filling of land within the “CA” and “V” zones.

- 1.3 According to the applicant, the proposed underground water pipe has a diameter of 150mm. The portion of the water pipe across the “CA” and “V” zones has a total length of 1,500m (1,370m in “CA” zone and 130m in “V” zone). The width and depth of excavation for laying the water pipe is about 0.6m and 1m respectively. The total excavation area is about 900m² (822m² (1,370m x 0.6m) in the “CA” zone and 78m² (130m x 0.6m) in the “V” zone). Upon installation of the proposed underground water pipe, the Site will be back-filled with the original material.
- 1.4 All construction works will be carried out in 4 to 5 months after obtaining the excavation permit and will be completed within 8 weeks. The excavation and construction will be done in 5 to 6 sections in non-migratory seasons of birds and using quiet construction practices to minimise disturbances to the wildlife. Upon completion of installation, the underground water pipe will be handed over to the Water Supplies Department (WSD) together with the new street fire hydrant.
- 1.5 In support of the application, the applicant has submitted the following documents:
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|-----|---|------------------------|
| (a) | Application Form received on 1.6.2021 | (Appendix I) |
| (b) | Planning Statement with Ecological Impact Assessment (EcoIA) | (Appendix Ia) |
| (c) | Further Information (FI) received on 16.7.2021 providing response to departmental and public comments and revised EcoIA * | (Appendix Ib) |
| (d) | FI received on 20.8.2021 providing response to departmental comments and revised EcoIA * | (Appendix Ic) |
| (e) | FI received on 13.9.2021 providing minor textual revision of EcoIA # | (Appendix Id) |

* *not exempted from publication requirement*

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 at **Appendices I to Id**. They can be summarised as follows:

Essential to the upgrading of WWFHK’s field studies centre

- (a) The new PSFSC 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. 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, experience of wetlands, water birds and wildlife.
- (b) As the existing swan neck fire hydrant near PSFSC is not up to the standard of the FSI Code, a new pedestal two-outlet street fire hydrant with new underground water pipe with adequate water pressure and sourcing direct water supply from the town mains is proposed. The proposed underground water pipe associated with the new street fire hydrant is essential to facilitate the redevelopment of PSFSC and ensure fire safety. They will be handed over to WSD upon completion.

In line with the planning intention of “CA” and “V” zones

- (c) The proposed development is an essential infrastructure to support WWFHK's new PSFSC and its future education programme and is in line with the planning intention of the “CA” and “V” zones. The nature of use, design, scale and extent of the proposed underground water pipe have been carefully considered in response to the requirements of WSD and FSD and to minimise potential environmental and ecological impacts to the surrounding environment and the flora and fauna.

No adverse ecological and environmental impacts

- (d) An environmental and ecological assessment (EEA) report covering 500m radius from PSFSC including the western part of 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 in the area are common, widespread in Hong Kong and are habituated to relatively high levels of anthropogenic disturbances. Because the excavation works for the proposed underground water pipe will be along the paved area, there will be no impact on vegetation and floral species. The ponds adjacent to the project area and marsh/natural water courses are identified as an area of direct impact from pollution by soil and rubble that could spillover or get washed into them.
- (e) Since the extent of works area and excavation will be kept minimal, no net loss of wetland is anticipated as the proposed works will not affect the bunds and wetland in the Wetland Conservation Area (WCA), neither area nor function of the wetlands will be adversely affected. The proposed development is in compliance with Town Planning Board Guidelines No. 12C.
- (f) The entire works will be done in sections and completed within 8 weeks. To mitigate the impacts on birds in the area, the construction works will be conducted during the summer, non-migratory season (April to October). Works will be scheduled in the day time starting at least one hour after sunrise and ending one hour before sunset, i.e. from 8:00 am to 5:00 pm. If the works cannot be

completed in 2021, the construction work for the portion in “CA” zone will be done in April to June 2022 and the portion in “V” zone will be done between August and October 2022, depending the breeding activity of ardeids at the Mai Po Village Egrettry. Other construction practices suggested in the EcoIA, such as using Quiet Piling Machinery Equipment (QPME) to minimise the noise levels during construction, would be adopted. In the event of heavy rains or a typhoon, adequate precautions will be carried out to prevent piled soil from washing into watercourses and to ensure that no additional pollution loading into the Deep Bay Area. All relevant statutory requirements for the construction and implementation of the proposed underground water pipe will be complied with.

Insignificant traffic impact

- (g) Only transportation of a small excavator, equipment and pipes by one 5.5 tones lorry crane vehicle and one 5.5m³ concrete truck mixer to the Site via Tam Kon Chau Road will be needed to carry out the works. Loading/unloading activities and pouring of concrete will be completed quickly on site and will leave the Site once work is finished. Workers will only take public transportation and then walk to the Site, and there will be no other traffic trips or car parking on daily basis during construction.

Potential Planning Gain

- (h) The proposed installation will serve not only the upgraded PSFSC, but also the local community and ensure adequate water and water pressure to comply with current FSD requirements for fire-fighting which will ensure fire safety in the area.

No undesirable precedent

- (i) Based on the above, approval of the application will support WWFHK’s public education and conservation programme at PSFSC and its on-going effort in wetland conservation, no adverse environmental and ecological impacts will be resulted and it 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)

Majority of the Site (about 823m², 91.5% of the site area) falls within WCA with a small portion in its east (about 77m², 8.5% of the site area) falling within the Wetland Buffer

Area (WBA) under TPB PG-No. 12C (**Plan A-1**). The key assessment criteria are summarised as follows:

WCA

- (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;
- (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;

WBA

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission, an EcoIA would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

5. Background

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

6. Previous Application

Part of the Site is included in a previous (Application No. A/DPA/YL-MP/31) (**Plan A-1**) submitted by a different applicant for residential development, which was rejected by

the Committee on 15.7.1994. Details of the application are at **Appendix II**.

7. Similar Application

There is a similar application (No. A/YL-MP/18) submitted by the applicant for installation of utility pipe on the GL between Fairview Park and Mai Po Nature Reserve within the “CA” zone on the OZP (**Plan A-1**), which was approved by the Committee on 14.3.1997 mainly on the considerations that the development was in line with the planning intention of the “CA” zone and complied with the Town Planning Board Guidelines No. 12A. Details of the application are at **Appendix III**.

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

8.1 The Site is along a section of Tam Kon Chau Road which connects with Castle Peak Road – Mai Po to the east.

8.2 The surrounding areas are predominantly fish pond areas with some residential dwellings and unused/vacant land:

- (a) at the western end of the Site is the “G/IC” zone covering the PSFSC site (STT No. 1159) and a knoll where the Hong Kong Police Force Pak Hok Chau Operational Base is located;
- (b) at the eastern end of the Site is Castle Peak Road – Mai Po. Across the road is the Mai Po Village Egrettry which zoned “Site of Special Scientific Interest”;
- (c) to the north and south of Tam Kon Chau Road are pond areas;
- (d) to the southwest are some residential dwellings of Pak Hok Chau Tsuen;
- (e) to the southeast are village settlements of Mai Po Lo Wai and Mai Po San Tsuen; and
- (f) to the further northeast is an open storage yard for container trucks. Further northeast are Hop Shing Wai and Lin Barn Tsuen.

9. Planning Intention

9.1 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.

- 9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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 (i) 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. Consent should be sought from the tenant on the proposed utility installation; (ii) scheme boundary – Express Rail Link, Vesting Boundary – Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link and Control of Building Plan Boundary – Express Rail Link. Comment from MTRCL should be sought; (iii) village boundary of Mai Po Tsuen. Comment from District Officer/Yuen Long should be sought; and (iv) proposed installation adjoins Government Land Licence No. Y08235 and various private lots. The applicant should be reminded to exercise care to avoid causing any damage and disturbance to the nearby licence and private lots.
- (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 along a section of Tam Kon Chau Road which is connected to Castle Peak Road – Mai Po. Tam Kon Chau Road is not managed by Transport Department (TD) and its land status 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) 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 proposed access arrangement should be approved by TD.
- (c) Adequate drainage measures should be provided at the Site to prevent surface water running 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, appropriate pollution control measures will be implemented to minimise short-term environmental impacts during construction including the mitigation measures specified in ProPECC PN1/94, "Construction Site Drainage".
- (b) The applicant should pay particular attention to the following requirements as set out in ProPECC PN1/94, (i) to properly handle the sewage arise from construction work force, such as to provide portable toilets and have the portable toilets maintained and the sewage collected by licensed collector; and (ii) discharge from the

construction site, if any, shall be adequately treated before discharge to comply with discharge licence under WPCO and WPCO-TM.

Nature Conservation

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

- (a) The Site is located within an area zoned “CA” and “V” 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.
- (b) While a significant portion of the proposed underground water pipe will be within the “CA” zone, the construction works will be conducted along an existing paved road and thus there will be no loss of area and function of wetlands. As such, the proposal is in line with the principle of ‘no-net-loss in wetland’ under TPB PG No.12C.
- (c) Noting the limited scale of the project and the mitigation measures as proposed in the revised EcoIA (**Appendix Ic**), including restriction of construction hours/period, the use of QPME and close monitoring of the works, it is considered that the application is unlikely to cause adverse impact to the surrounding area. As such, he has no strong view on the application from nature conservation point of view.

Landscape

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

- (a) The eastern part of the Site is within WBA while most part of the Site is within WCA. The Site is located along Tam Kon Chau Road. Based on the aerial photo taken in 2020, the Site is situated in an area of rural coastal plains landscape character comprising ponds, wetlands, scattered tree groups and small houses.
- (b) According to the site photos, the Site is a concrete-paved road and there are no significant landscape resources within the Site. According to the planning statement (**Appendix Ia**), 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), and there will be no impact on the trees and vegetation.

- (c) In view that no adverse impact on existing landscape resources and landscape character is anticipated due to the proposed utility installation and excavation works, he has no objection to the application from landscape planning perspective.
- (d) In view that adverse landscape impact within the Site arising from the proposed utility installation is not anticipated and the Site has limited space for meaningful landscaping, it is considered not necessary to impose a landscape condition should the Board approve the application.
- (e) His detailed comments are at **Appendix V**.

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 public utility pipe under the existing Tam Kon Chau Road to support the upgrading works of an existing street fire hydrant for the PSFSC site.
- (c) It is noted that the application involves no drainage issue/matter under DSD's purview. In this respect, DSD has no condition proposed to be imposed should the application be approved.

Water Supplies

10.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains in the area will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the applicant.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centre line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies and their contractor to carry out construction, inspection, operation, maintenance and repair works.

- (d) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains shown on **Plan A-2**.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.
- (f) He notes that the proposed underground water pipe would be conducted by the contractor under Helping Business Programme (HBP) and has no comment on the HBP application.

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

- (a) Commissioner of Police;
- (b) Director of Fire Services;
- (c) Chief Building Surveyor/New Territories West, Buildings Department;
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Chief Engineer/Railway Development 2-2, Railway Development Office, HyD; and
- (f) District Officer (Yuen Long), Home Affairs Department.

11. Public Comments Received During Statutory Publication Period

- 11.1 On 8.6.2021, 23.7.2021 and 27.8.2021, the application and its FIs were published for public comments. During the statutory publication period, a total of 18 public comments (**Appendix IV**) were received including one comment supporting the application and 17 comments raising objection/concerns. The supporting comment is from a village representative, though no specific reason was given.
- 11.2 The other 17 comments are submitted by a member of the Yuen Long District Council (YLDC), local residents, the Conservation Association (CA) and Hong Kong Bird Watching Society (HKBWS). The YLDC Member and local residents object to the application on the grounds that the proposed works will cause traffic safety issue as the Site is a narrow local village access road used by villagers and birdwatchers, and no such facility is provided for Lin Barn Tsuen and villagers near the boundary security fencing. CA and HKBWS raise concerns on the EcoIA which is inadequate and incomplete to provide assessment on the potential environmental impacts. The EEA for the redevelopment of PSFSC does not cover the current proposed fire hydrant pipeline, with no ecological consideration given to the nearby Mai Po Village Egret. The construction work hours should also be reviewed and restricted to one hour before sunset to avoid disturbance to the Mai Po Village Egret. The information on the habitat map is incomplete. Besides, there is inadequate assessment on 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 the proposed fire hydrant at Tam Kon Chau Road.

12. Planning Considerations and Assessments

- 12.1 The applicant proposes to install an underground water pipe from the new pedestal street fire hydrant near WWFHK's PSFSC to the town water main at Castle Peak Road – Mai Po. The proposed underground water pipe has a diameter of 150mm. Planning permission is sought for the portion of the underground water pipe running across the "CA" zone (1,370m long) and the associated excavation and back-filling of land within "CA" zone (1,370m (L) x 0.6m (W) x 1m (D)) and "V" zone (130m (L) x 0.6m (W) x 1m (D)), which will be carried out along the concrete 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. The planning intention of "V" zone is to designate both existing recognised villages and areas of land considered suitable for village expansion for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.3 According to the applicant, the proposed underground water pipe with direct supply from the town water mains is essential to meet FSD's requirement and ensure fire safety of the new field studies centre upon redevelopment. 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 underground water pipe is considered in line with the planning intention of the "CA" zone. As the proposed pipe is laid underneath Tam Kon Chau Road, it will not affect the provision of land for Small House development. It is therefore not incompatible with the planning intention of the "V" zone.

TPB PG-No. 12C

- 12.4 The proposed underground water pipe complies with the intention of the WCA as it is required to support the redevelopment of PSFSC. The new field centre 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.
- 12.5 According to the applicant, the scale and extent of excavation works is minimised without encroaching onto the ponds on both sides. To minimise the impacts on ecology and environment during construction phase, the applicant states that construction works are planned to be completed within 8 weeks in the summer, non-migratory season. Works will be scheduled in the day time starting at least one hour after sunrise and ending one hour before sunset (i.e. from 8am to 5pm). 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. 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 given that appropriate pollution control measures will be implemented to minimise short-term environmental impacts during construction. Should the application be approved, the mitigation measure proposed will be incorporated as approval conditions in paragraphs 13.2(a) and (b) and advisory clause below.

Other Technical Consideration

- 12.6 The Site is along an existing paved road. C for T has no adverse comment on the application from traffic engineering perspective. Being an underground installation, the proposed underground water pipe will not cause visual impact and no existing vegetation/landscape will be affected. 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.
- 12.7 As stated in paragraph 11, 1 supporting comment and 17 comments raising objection/concerns on the application on traffic safety, environmental and ecological aspects have been received. 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 15.10.2025, 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 water pipes) at the Site is allowed during (i) 5:00pm to 8:00am from Monday to Saturday; and (ii) Sunday and public holidays; and
- (b) 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the proposed development would not cause adverse ecological impact on the surrounding area.

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 1.6.2021
Appendix Ia	Planning Statement with EcoIA
Appendix Ib	FI received on 16.7.2021
Appendix Ic	FI received on 20.8.2021
Appendix Id	FI received on 13.9.2021
Appendix II	Previous Application
Appendix III	Similar Application
Appendix IV	Public comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Indicative Site Plan
Drawing A-2	Location of the Proposed Pedestal Street Fire Hydrant
Drawing A-3	Location of the Existing Town Mains
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4c	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2021**