

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

**APPLICATION NO. A/YL-MP/326**

<b><u>Applicant</u></b>	: CLP Power Hong Kong Limited represented by Pacific Extend Limited
<b><u>Site</u></b>	: Government Land in D.D. 101 and D.D. 105, Tam Kon Chau Road, Mai Po, Yuen Long
<b><u>Site Area</u></b>	: About 3,661 m <sup>2</sup>
<b><u>Land Status</u></b>	: Government Land (GL)
<b><u>Plan</u></b>	: Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<b><u>Zoning</u></b>	: “Conservation Area” (“CA”) (about 88.4% of the Site) “Village Type Development” (“V”) (about 11.6% of the Site)
<b><u>Application</u></b>	: Proposed Public Utility Installation and associated Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables) and associated excavation and filling of land at the application site (the Site) which falls within an area partly zoned “CA” (about 3,236m<sup>2</sup> / 88.4%) and partly zoned “V” (about 425m<sup>2</sup> / 11.6%) on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6 (**Plan A-1**). According to the Notes of the OZP, ‘public utility installation’ and excavation and filling of land within the “CA” and “V” zones require planning permission from the Town Planning Board (the Board).
- 1.2 According to the applicant, CLP received an application from World Wide Fund for Nature Hong Kong (WWFHK) for electricity upgrading to support the redevelopment of WWFHK’s Peter Scott Field Studies Centre (PSFSC) at Tam Kon Chau Road to meet the power load demand of the redevelopment of PSFSC. The proposal is to extend the existing 11kV network from the junction of Castle Peak Road – Mai Po and Tam Kon Chau Road to PSFSC with installation of two

11kV cables circuits and associated two pilot cables underneath Tam Kon Chau Road (the proposed underground cables) (**Drawing A-1**) partly on the concrete surface of the carriageway with some sections on the unpaved verge of the carriageway. The application site area covers (i) the proposed excavation area for the trenches of underground cables (about 0.6m wide and 1.2m deep with a total length of about 1,408m and a total excavation area of 844.8m<sup>2</sup>) and (ii) the proposed works areas (including 1m-wide area from each side of the cable trench for erection of fencing during the construction period with an area of about 2,816.2m<sup>2</sup>). The whole alignment of the proposed underground cables will be divided into six sections and construction will be carried out in sequence starting from Castle Peak Road – Mai Po to PSFSC. The alignment of the cables, layout and section of the duct blocks and the construction sequence are shown in **Drawings A-1 to A-4**.

- 1.3 All the construction activities will be carried out in daytime hours only (from 8:00am to 5:00pm (i.e. at least one hour after sunrises and over one hour before sunsets) from Monday to Saturday and no construction work will be carried out on Sunday and public holidays. Upon installation of the proposed underground cables, it will be back-filled to re-instate the original condition. Upon approval of the planning application, it is anticipated that the overall construction period will be around 2.5 months between June and October 2022. The construction period in the vicinity of the Mai Po Tsuen Egrettry will be subject to the breeding activity of ardeids at the egrettry and co-ordination with the construction programme of the underground utility pipe for the public fire hydrant approved under Application No. A/YL-MP/309, which will be between August and October 2022.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 15.2.2022 and **(Appendix I)** supplementary information received on 24.2.2022
  - (b) Planning Statement including Ecological Assessment **(Appendix Ia)** (EA) and Tree Survey Report (TSR)
  - (c) Further Information (FI) received on 27.4.2022 **(Appendix Ib)** clarifying the details of the proposed development with the EA and providing response to departmental comments <sup>#</sup>
  - (d) FI received on 29.4.2022 clarifying the details of the **(Appendix Ic)** proposed development <sup>#</sup>

<sup>#</sup> *exempted from publication requirement*

- 1.5 In light of the special work arrangement for government departments due to the COVID-19 pandemic, all fieldwork were suspended during the special work arrangement, some relevant background information of the application sites as well as comments from some relevant departments were not available. As such, the Board agreed to defer consideration of the application on 1.4.2022. The

application is now scheduled for consideration by the Committee at this meeting.

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

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

### Essential infrastructure project

- (a) The proposed underground cables are to provide additional power load for redevelopment of PSFSC. The redevelopment of PSFSC will enhance the capacity for wetland training and research and provide space for community forums and workshops.

### Carefully designed alignment

- (b) The PSFSC is located within “CA” zone. No alternative alignment not involving the “CA” zone could be identified. The alignment has been carefully designed along the dryland and unpaved verge of the concrete carriageway of Tam Kon Chau Road to minimise the works required and avoid affecting any existing fishponds and wetland habitat.

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

- (c) The proposed development is an essential infrastructure to support WWFHK’s redevelopment of PSFSC and its future public education programme on wetland conservation and is in line with the planning intention of the “CA” and “V” zones.

### No adverse ecological and environmental impacts

- (d) The proposed underground cables are to be provided in the built-up area within the Wetland Conservation Area (WCA). The cable laying work will be constructed in six sections, for each section, the trench will be backfilled with soil stocking before moving to the next section. The extent of the excavation works and the scale of construction works are within the developed area and have been minimised.
- (e) The EA (**Appendix A of Appendix Ia**) confirmed that there will not be any loss to the wetland habitat in area and function and the proposed underground cables can comply with the ‘no-net-loss of wetland’ principle and fully meet the requirements set out in the Town Planning Board (TPB) Guidelines No. 12C. Indirect disturbance to the surrounding habitats will also be minimised with the adoption of appropriate mitigate measures, such as using Quiet Piling Machinery Equipment, minimising footprint/impact on vegetation, limiting all the construction activities in daytime hours only, clearly marking the boundary of the works area by temporary fence, regular checking on any trapping of wildlife in the excavation trench, covering exposed surfaces within the works area by tarpaulin in rainy event to control surface runoff and potential pollution to watercourse, reinstating the works area upon completion of the construction works at each section and implementing waste management practices.

No adverse landscape and visual impacts

- (f) The TSR (**Appendix B of Appendix Ia**) indicates that a total of 140 trees being found within the survey area for the proposed development, no rare, endangered and registered old and valuable trees are identified. The alignment of the proposed underground cables is carefully designed to avoid existing trees. No tree will be affected by the proposed development and associated excavation and back-filling works.
- (g) As the proposed underground cables will be fully buried underground with reinstatement of the concrete carriageway or the unpaved verge upon completion of the installation works, no adverse visual impact will be resulted from the proposed development.

Insignificant cumulative impact

- (h) The redevelopment of PSFSC is on-going and its associated upgrading works on installation of the underground water pipe with upgrading of the street fire hydrant (approved under Application No. A/YL-MP/309) are scheduled to commence in April 2022 for completion by June 2022 in the “CA” zone and will be commenced in August 2022 for completion by October 2022 in the “V” zone. Despite the construction programme of these concurrent projects will overlap with the current application, the applicant will endeavor to co-ordinate and carry out the excavation and back-filling works for the proposed underground water pipe and cables in the same period and to avoid the breeding activity of ardeids and disturbance to the Mai Po Tsuen Egrettry in the vicinity of the Site. Given the fact that the scale of these projects is small and the potential impact are localised, significant cumulative impact of these projects and the impact on the Mai Po Egrettry are not expected. The potential impacts could be controlled to an acceptable level with implementation of the proposed mitigation measures as per paragraph 2(e) (**Appendix A of Appendix Ia and Appendix Ib**).

**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 3,286m<sup>2</sup>, 89.8% of the site area) falls within WCA with a small portion in its east (about 375m<sup>2</sup>, 10.2% 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 Ecological Impact Assessment (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;

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 Applications**

- 6.1 Part of the Site is the subject of two previous applications (No. A/DPA/YL-MP/31 and No. A/YL-MP/309) (**Plan A-1**).
- 6.2 Application No. A/DPA/YL-MP/31 was submitted by a different applicant for a

proposed residential development in which the nature of the application is not relevant to the proposed underground cables under the current application. This application was rejected by the Committee on 15.7.1994.

- 6.3 Application No. A/YL-MP/309 was submitted by WWFHK for installation of a new pedestal street fire hydrant on GL near WWFHK's 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 (within the “V” zone) to meet the fire services requirement for the redevelopment of PSFSC. The application was approved by the Committee on 15.10.2021 mainly on the considerations that the development was in line with the planning intention of the “CA” zone, as the proposed pipe was laid underneath Tam Kon Chau Road, it would not affect the provision of land for Small House development and thus it was not incompatible with the planning intention of the “V” zone, complied with TPB Guidelines No. 12C in that the proposed installation 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.

- 6.4 Details of the applications are at **Appendix II**.

## **7. Similar Application**

- 7.1 During the past five years, there is a similar application (No. A/YL-MP/305) submitted by WWFHK for installation of an underground stormwater drainage pipe to support the redevelopment of WWFHK's PSFSC on the GL between the PSFSC (within the “G/IC” zone) to the proposed outfall at a stream near the boundary security fence within the “CA” zone (**Plan A-1**). The application was approved by the Committee on 13.8.2021 mainly on the considerations that the development was in line with the planning intention of the “CA” zone, there was no other alternative for discharge of the stormwater from the new field studies centre without passing through the “CA” zone, and complied with TPB Guidelines No. 12C.

- 7.2 Details of the application are at **Appendix II**.

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

- 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 vacant land:
- (a) at the western end of the Site is the “G/IC” zone covering the PSFSC site 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 and a temporary farmland approved under Application No. A/YL-MP/322 is located to its southeast;
- (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. Further south is the site for the wetland habitat and house development currently under construction (approved under Application No. A/YL-MP/291) within the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone; 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 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV**

respectively.

10.2 The following government departments have specific comments on the application:

**Land Administration**

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

- (a) The Site will affect a number of projects/land status items. The applicant should consult the parties concerned on the application.
- (b) Should the Board decide to approve the application, the applicant has to apply for excavation permit(s) before commencement of works. The application for excavation permit(s) in respect of the unleased land other than streets maintained by Highways Department (HyD) will be processed by LandsD. However, there is no guarantee at this stage that the excavation permit(s) will be approved. Such application(s) will be dealt with by LandsD acting in the capacity of the landlord at his sole discretion, and if they are approved, the approval will be subject to such terms and conditions, including amongst others, the payment of fees and charges as may be imposed by LandsD.

**Traffic**

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

- (a) He has no comment on the application from traffic engineering point of view.
- (b) 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.
- (c) The management and maintenance responsibilities of Tam Kon Chau Road should be clarified with the relevant lands and maintenance authorities accordingly.
- (d) All vehicles of 10m or above are currently prohibited to enter Tam Kon Chau Road.
- (e) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.



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

- (a) Tam Kon Chau Road is not maintained by HyD. Excavation Permit on GL should be obtained from DLO/YL prior to commencement of excavation works.
- (b) The proposed access arrangement of the Site from Castle Peak Road – Mai Po should be approved by TD.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

**Environment**

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

- (a) She has no objection to the application.
- (b) According to the information in the application (**Appendix A of Appendix Ia**), 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”. The applicant should pay particular attention to the following two requirements under the 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 license under Water Pollution Control Ordinance (WPCO) and WPCO – Technical Memorandum (WPCO-TM).

**Nature Conservation**

10.2.5 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 & Fairview Park OZP. Besides, the Site falls within the WCA under TPB Guidelines No. 12C and is in close proximity to the Mai Po Nature Reserve. While a significant portion of the proposed underground cables will be within “CA”, the

construction works will be of limited scale and conducted along an existing paved road.

- (b) Having considered the applicant's submissions including the EA and FIs, in view of the limited scale of the project and the mitigation measures as proposed in the revised EA, he has no further comment on the application from the nature conservation point of view. As the current application is similar to the previously approved application (No. A/YL-MP/309), the following approval conditions should be imposed:
  - (i) no construction work (including excavation and filling of land and laying of underground cables) at the application site is allowed during (i) 5:00 p.m. to 8:00 a.m. from Monday to Saturday; and (ii) Sunday and public holidays; and
  - (ii) submission of a report on the implementation of the mitigation measures proposed in the applicant's EA to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Board.

### **Landscape**

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

- (a) Based on the aerial photo of 2021, the Site is situated in an area comprising ponds, small houses, temporary structures and scattered tree groups. With reference to the TSR (Annex B of the Planning Statement at **Appendix Ia**), 140 trees of common or invasive species in fair to poor conditions are identified within the tree survey boundary. According to Figure 1.1 to 1.16 of the TSR, the proposed cable works would be carried out along existing roads and pathways, and no tree is in direct conflict with the proposed works. Given the nature of works, significant adverse impact on the surrounding landscape resources and character arising from the proposed development is not anticipated. Hence, she has no objection to the application from landscape planning perspective.
- (b) In view that significant adverse landscape impact arising from the proposed development is not envisaged and the Site is surrounded by existing trees, it is considered not necessary to impose any landscape-related condition should the Board approve the application.
- (c) Her advisory comments are at **Appendix IV**.

### **Drainage**

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

- (a) Based on the applicant's submission, given that the application only involves laying of power cable, he has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) Should the application be approved by the Board, the applicant should be requested that the works should not affect/damage DSD's assets in the vicinity. Should such damage occur, the applicant is requested to inform DSD immediately and carry out remedial works so required to DSD's satisfaction.
- (c) Since the applicant proposes filling and excavation of land on the Site, the applicant shall ensure that there will be no adverse drainage impact to the adjoining areas and drainage facilities in the vicinity.

### **Water Supplies**

#### 10.2.8 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.

## **11. Public Comments Received During Statutory Publication Period**

On 25.2.2022, the application was published for public comments. During the first three weeks of the statutory publication period which ended on 18.3.2022, two public comments were received from an individual and the Hong Kong Bird Watching Society (HKBWS) raising concerns on the application that it will affect the fung shui and the fishpond operators in nearby area and request the applicant to adopt stricter preventive measures and site management and to clarify the works and programme of the current application vis-à-vis the installation of underground water pipe for upgrading the fire hydrant for WWFHK's PSFSC redevelopment approved under Application No. A/YL-MP/309 (**Appendix V**).

## **12. Planning Considerations and Assessments**

- 12.1 The applicant proposes to install underground cables (including two 11 kV cable circuits and associated two pilot cables) and associated excavation and filling of land on the existing concrete carriageways or unpaved verge of the carriageway of Tam Kon Chau Road. The proposed underground cables have a total length of about 1,408m and a depth of about 1.2m with an excavation area of 884.6m<sup>2</sup> (23.1% of the Site). The proposed installation works is partly zoned "CA" (88.4%) and partly zoned "V" (11.6%). Planning permission is required for installation of the underground cables and the associated excavation and filling of land within "CA" and "V" zones.

### 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 cables is an extension from the existing 11kV network from the junction of Castle Peak Road – Mai Po and Tam Kon Chau Road to WWFHK's PSFSC for electricity upgrading to support the redevelopment of PSFSC. 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 cables is considered in line with the planning intention of the "CA" zone. As the proposed cables are laid underneath Tam Kon Chau Road, it will not affect the provision of land for Small House development within the "V" zone.

### TPB PG-No. 12C

- 12.4 The proposed underground cables comply 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 the excavation works is minimised with its alignment provided along existing concrete carriageways or unpaved verge of the carriageway of Tam Kon Chau Road. To minimise the impacts on ecology and environment during construction phase, the applicant states that construction works will co-ordinate with the programme of the underground water pipe under Application No. A/YL-MP/309 and are planned to be completed within 2.5 months between June and October 2022 with construction activities to be carried out between August and October 2022 in the vicinity of the Mai Po Tsuen Egrettry. Works will be scheduled in the day time (i.e. from 8:00am to 5:00pm) from Monday to Saturday only. Other construction practices suggested in the applicant's EA include the use of quieter construction machinery and good site practices preventing the excavated materials from being washed/falling into the adjacent ponds. There will be no loss of wetland in terms of area and function. With the implementation of the mitigation measures proposed in the EA, DAFC considers that the proposed development is limited in scale and 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 paragraph 13.2 and advisory clauses below.

#### Other Technical Considerations

- 12.6 The Site is along existing concrete carriageways or unpaved verge of the existing carriageway of Tam Kon Chau Road. C for T has no comment on the application from traffic engineering perspective. Being an underground installation, the proposed underground cables will not cause visual impact and no existing vegetation/landscape will be affected as provided in the tree survey in the TSR. In this regard, CTP/UD&L of PlanD has no objection to the application. Other concerned government departments have no objection to or no adverse comments on the application.
- 12.7 The Site is the subject of a previous application (No. A/YL-MP/309) approved by the Committee for proposed public utility installation (underground water pipe) to upgrade the fire hydrant and associated filling and excavation of land (**Plan A-1**) for the same purpose as the current application to support WWFHK's redevelopment of its PSFSC. On the other hand, also in support of WWFHK's redevelopment of its PCFSC, the Committee has approved one similar application (No. A/YL-MP/305) (**Plan A-1**) for proposed utility installation (underground stormwater drainage pipe) and associated filling and excavation of land for the new drainage system of PSFSC and the proposed outfall at a stream near the boundary security fence within the "CA" zone. Approval of the application would not set an undesirable precedent for similar application in the "CA" zone and it is in line with the previous decisions of the Committee in upholding the principle of no net-loss of wetland area and function by only approving development for essential infrastructure with overriding public purpose within the

WCA of the Deep Bay area.

- 12.8 Regarding the two public comments raising concerns on the proposed development as detailed in paragraph 11 above, the planning considerations and departmental comments above are relevant. Regarding the concern on the interface with WWFHK's on-going upgrading project for installation of the underground water pipe under Application No. A/YL-MP/309, the applicant has clarified that the construction of the current underground cables will be implemented by phases and it will tie in with the schedule of the underground water pipe to minimise the construction period and disturbance to the wetland habitat and the Mai Po Tsuen Egrettry in the locality.

### 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 6.5.2026, 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 underground cables) 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 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 IV**.

- 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**

<b>Appendix I</b>	Application Form received on 15.2.2022
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI received on 27.4.2022
<b>Appendix Ic</b>	FI received on 29.4.2022
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Alignment of Proposed Underground Cables
<b>Drawing A-2</b>	Site Plan for Excavation and Filling of Land
<b>Drawing A-3</b>	Section Plan of Proposed Cable Trenches
<b>Drawing A-4</b>	Plan for Sequence of Construction Works
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2022**