

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

**APPLICATION NO. A/YL-PN/71**

- Applicant** : Water Supplies Department
- Site** : Government Land (GL) in D.D. 135, Sheung Pak Nai, Yuen Long, New Territories
- Site Area** : About 4m<sup>2</sup>
- Land Status** : GL
- Plan** : Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Proposed Excavation and Filling of Land for Permitted Waterworks Implemented by Government

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed excavation and filling of land for permitted waterworks implemented by Government at the application site (the Site) zoned “CPA” on the OZP (**Plan A-1**). According to the Notes of the OZP, while waterworks (excluding works on service reservoir) implemented by Government is always permitted, filling of land and excavation of land within the “CPA” zone require planning permission from the Town Planning Board (the Board). The Site is located on an existing paved local track (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed excavation and filling of land are for laying of a water main (tee connection with diameter of 20mm and length of about 2m) to facilitate mainlaying for potable water supply to a residential structure at No. 26G Sheung Pak Nai<sup>1</sup> adjacent to the Site (**Drawing A-1 and Plan A-2**). Both the excavation and filling works will involve an area of about 4m<sup>2</sup> and 0.6m in depth. The excavated area will be backfilled to the original ground level with concrete (i.e. back to the original condition).
- 1.3 In support of the application, the applicants have submitted the following documents:
- (a) Application Form received on 30.8.2023 (**Appendix I**)

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<sup>1</sup> According to the District Lands Officer/Yuen Long of Lands Department, No. 26G is associated with two valid surveyed squatter structures for kitchen and latrine purposes, and a Government Land Licence No. Y21646 for private residential, porch, agricultural storeroom and chicken sheds purposes.

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|-----|---|---------------|
| (b) | Supplementary Information (SI) received on 6.9.2023   | (Appendix Ia) |
| (c) | Further Information (FI) received on 6.10.2023        | (Appendix Ib) |
|     | [accepted and exempted from publication requirements] |               |

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

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

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

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

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

## **4. Background**

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

## **5. Previous Application**

The Site is not involved in any previous application.

## **6. Similar Application**

- 6.1 There is no similar application for excavation and filling of land for permitted waterworks implemented by government within the subject “CPA” zone.
- 6.2 Application No. A/YL-HTF/1162 for a similar proposal by the same applicant at the “CPA” zone of the Ha Tsuen Fringe OZP will be considered at the same meeting.

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

- 7.1 The Site is located on an existing hard-paved local track leading to Nim Wan Road.
- 7.2 The surrounding areas of the Site are predominantly rural in character comprising residential dwellings, stores, graves, ponds/fishing ground and shrubland/woodland. The concerned residential structure (viz. No. 26G Sheung Pak Nai) is located to the

immediate northwest of the Site.

## **8. Planning Intention**

- 8.1 The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 8.2 As filling of land/pond and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, and in view of the conservation value of the area within the “CPA” zone, permission from the Board is required for such activities.

## **9. Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (a) He has no adverse comments on the application.
- (b) The structures concerned (viz. No. 26G Sheung Pak Nai) are found to be associated with two valid surveyed squatter structures for kitchen and latrine purposes, and a Government Land Licence (GLL) No. Y21646 for private residential, porch, agricultural storeroom and chicken sheds purpose.
- (c) The applicant should note his advisory comments at **Appendix II**.

### **Landscaping**

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

- (a) She has no comment on the application from landscape planning perspective.
- (b) The Site is situated in area of rural coastal plains landscape predominated by village houses, ponds and woodland. The Site is concreted-paved without any existing vegetation.

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

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

His office has not received any feedback from locals.

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

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

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

On 15.9.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

- 11.1 The application is for proposed excavation and filling of land for permitted waterworks implemented by Government at the Site zoned "CPA" on the OZP (**Plan A-1**). According to the applicant, the proposed excavation and filling of land, which involve an area of about 4m<sup>2</sup> and a depth of about 0.6m, are for installation of a tee-connection at the existing water main, which is to facilitate mainlaying for potable water supply to a residential structure at No. 26G Sheung Pak Nai. Filling of land and excavation of land within the "CPA" zone require planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, CE/MN of DSD and DAFC have no objection to or no comment on the application from drainage and nature conservation perspectives. The proposed excavation and filling of land can be considered as essential infrastructure providing potable water supply to local residents and are therefore not in conflict with the planning intention of the "CPA" zone.

11.2 The Site is located on an existing paved local track. The proposed excavation and filling of land, which is small in scale (about 4m<sup>2</sup>) without tree felling, is considered not incompatible with the surrounding areas comprising predominantly residential dwellings, stores, graves, ponds/fishing ground and shrubland/woodland. Other relevant government departments including C for T, DEP and CTP/UD&L of PlanD have no objection/no adverse comment on the application. The proposed excavation and filling works will unlikely create adverse traffic, environmental and landscape impacts on the surroundings.

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

12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **27.10.2027**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix II**.

12.3 There is no strong reason to recommend rejection of the application.

## **13. Decision Sought**

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

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **14. Attachments**

<b>Appendix I</b>	Application Form received on 30.8.2023
<b>Appendix Ia</b>	SI received on 6.9.2023
<b>Appendix Ib</b>	FI received on 6.10.2023
<b>Appendix II</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Land Excavation and Filling Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**