

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

**APPLICATION NO. A/YL-PN/81**

- Applicant** : Water Supplies Department
- Site** : Government Land (GL) in D.D. 135, Sheung Pak Nai, Yuen Long, New Territories
- Site Area** : About 66.5m<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 Public Utility Installation (Fresh Water Distribution Main) and Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (fresh water distribution main) and filling and excavation of land at the application site (the Site) zoned “CPA” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’, which is a Column 2 use, as well as filling and excavation of land require planning permission from the Town Planning Board (the Board). The Site is located along an existing paved footpath (**Plans A-2 and A-4a - A-4c**).
- 1.2 As shown on the layout plan at **Drawing A-1**, the proposal involves laying a fresh water distribution main of 133m long x 0.5m wide along the existing footpath. To facilitate the water main laying, the Site (i.e. 66.5m<sup>2</sup>) will be excavated with a depth of about 0.65m and then backfilled to the original ground level (i.e. depth of about 0.65m) with the original material upon the completion of the water main laying. The proposal is to facilitate mainlaying for potable water supply to a residential structure at No. 213 Sheung Pak Nai<sup>1</sup> adjacent to the Site (**Drawing A-1 and Plan A-2**).
- 1.3 In support of the application, the applicant has submitted the following documents:
- |  |                        |
|--|------------------------|
| (a) Application Form received on 20.9.2024               | ( <b>Appendix I</b> )  |
| (b) Supplementary Information (SI) received on 25.9.2024 | ( <b>Appendix Ia</b> ) |

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<sup>1</sup> According to the District Lands Officer/Yuen Long of Lands Department, No. 213 is associated with a valid surveyed squatter structure for kitchen and agricultural storage purposes.

- (c) Further Information (FI) received on 8.10.2024\*  
*\* accepted and exempted from publication and  
recounting requirements*

(Appendix Ib)

## 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) the public utility installation is for providing water supply to the occupants of a structure at No. 213 Sheung Pak Nai;
- (b) the existing water pipe providing water to the structure is clogged/damaged; and
- (c) no potential impact to the surrounding area due to the temporary excavation and main laying works are anticipated.

## 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**

There is no similar application for proposed public utility installation (water main) within the subject “CPA” zone.

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

- 7.1 The Site is located along an existing hard-paved footpath leading to Nim Wan Road.
- 7.2 The surrounding areas of the Site are predominantly rural in character comprising residential dwellings, storage uses, ponds/fishing ground, fallow/cultivated farmland and unused land. The concerned residential structure (viz. No. 213 Sheung Pak Nai) is located about 10m to the north of the northern end 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 According to the Explanatory Statement of the OZP, as filling or 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 structure concerned (viz. No. 213 Sheung Pak Nai) is associated with a valid surveyed squatter structure for kitchen and agricultural storage purposes.
- (c) The applicant should note his advisory comments at **Appendix III**.

### **Nature Conservation**

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

- (a) Noting that the scale of the proposed works is limited and the total works area is small, he has no strong view on the application from nature conservation perspective.
- (b) The applicant should note his advisory comments in **Appendix III**.

### **Environment**

- 9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) According to the applicant, no dredging, river training or river diversion works will be involved. He has no objection to the application.
- (b) The applicant should note his advisory comments in **Appendix III**.

### **Landscaping**

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

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

### **Drainage**

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

He has no objection in principle to the proposed application from drainage of view.

### **Fire Safety**

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no comment on the application.
- (b) The applicant should note his advisory comments in **Appendix III**.

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

9.1.7 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/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO)), CEDD;
- (d) Project Manager (West), CEDD (PM(W), CEDD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);

- (f) Commissioner for Transport (C for T); and
- (g) Commissioner of Police (C of P).

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

On 27.9.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals (**Appendix II**) supporting the application were received.

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

- 11.1 The application is for proposed public utility installation (fresh water distribution main) and filling and excavation of land within the “CPA” zone on the OZP (**Plan A-1**). While there is a general presumption against development within the “CPA” zone, developments that are essential infrastructure projects with overriding public interest may be permitted. According to the applicant, the proposed water main is to provide potable water supply to a surveyed squatter structure at No. 213 Sheung Pak Nai as the existing pipeline serving the structure is clogged/damaged. Since the proposed water main is an essential infrastructure project providing potable water supply to local residents, it is considered not in conflict with the planning intention of the “CPA” zone.
- 11.2 To facilitate the main laying, the applicant proposes to excavate the Site (i.e. about 66.5m<sup>2</sup>) to a depth of about 0.65m, and upon completion of the main laying, backfill the excavated area with the original material to the original ground level. Filling 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, DAFC and CE/MN of DSD have no adverse comment on the application from nature conservation and drainage perspectives respectively.
- 11.3 The Site is located along an existing paved footpath. The proposed development, which is small in scale (about 66.5m<sup>2</sup>) without tree felling, is considered not incompatible with the surrounding areas. Other relevant government departments consulted including C for T, DEP and CTP/UD&L of PlanD have no objection/no adverse comment on the application from traffic, environmental and landscape perspectives respectively.

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

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 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 **8.11.2028**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix III**.

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

### **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 20.9.2024
<b>Appendix Ia</b>	SI received on 25.9.2024
<b>Appendix Ib</b>	FI received on 8.10.2024
<b>Appendix II</b>	Public Comments Received During Statutory Publication Period
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<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 - A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2024**