

FURTHER CONSIDERATION OF APPLICATION NO. A/YL-PN/81
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

Proposed Public Utility Installation (Fresh Water Distribution Main) and
Filling and Excavation of Land in “Coastal Protection Area” Zone
Government Land in D.D. 135, Sheung Pak Nai, Yuen Long, New Territories

1. Background

- 1.1 On 20.9.2024, the applicant, the Water Supplies Department, submitted the subject application seeking planning permission for proposed public utility installation (fresh water distribution main) and filling and excavation of land at the application site (the Site) zoned “Coastal Protection Area” (“CPA”) on the approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9. According to the Notes of the OZP for the “CPA” zone, ‘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). On 8.11.2024, the subject application was approved by the Rural and New Town Planning Committee (the Committee) of the Board.
- 1.2 On 9.11.2024, the Board’s Secretariat received an email from an individual (**Annex F-I**), enquiring whether the public comment submitted by her on the subject application had been incorporated into the RNTPC Paper No. A/YL-PN/81 (the Paper). Upon checking by the Planning Department (PlanD), two public comments, which were received during the statutory publication period of the application, were found inadvertently omitted from the Paper (**Annex F-II**).
- 1.3 The purpose of this paper is to seek Members’ further consideration of the subject application, taking into account the four public comments received including the two omitted public comments (OPCs).

2. The OPCs

- 2.1 On 27.9.2024, the subject application was published for public inspection. During the first three weeks of the statutory public inspection period (i.e. from 27.9.2024 to 18.10.2024), a total of four public comments were received. While the Paper considered by the Committee on 8.11.2024 had included two supporting comments, as stated in paragraph 1.2 above, two other public comments (one supporting and one objecting to the application) had been inadvertently omitted from the Paper (**Annex F-III**).
- 2.2 The first OPC, made by an individual, supports the application as the proposed water main could help provide water supply to the resident(s) of the squatter structure nearby.

- 2.3 The second OPC, made by another individual as mentioned in paragraph 1.2 above, raises concerns on the genuine intention of the proposed water main and the current arrangement of water supply to the premises at the Site, and the potential environmental impact arising from the associated excavation works.
- 2.4 For the supporting OPC, the views are noted. With regards to the objecting OPC, 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. With regard to the environmental concerns, the Director of Environmental Protection (DEP) has no objection to the application from environmental point of view as no dredging, river training or river diversion works will be involved; while the Director of Agriculture, Fisheries and Conservation has no strong view on the application from conservation perspective as the scale of works is limited and the total works area is small (about 66.5m²). Besides, according to the applicant and as stated in paragraph 1.2 of the Paper, the excavated area would be backfilled to the original ground level with the original material upon the completion of the water main laying. As such, potential environmental impact arising from the associated excavation works would unlikely be caused.
- 2.5 Taking into account the two OPCs received, a summary of the public comments received on the subject application is set out below:
- “During the statutory public inspection period for the application ended on 18.10.2024, a total of four public comments from individuals were received (Appendix II of **Annex F-II** and **Annex F-III**). Three individuals support the application mainly on the grounds that the proposed water main could help provide water supply to the residents of the squatter structure. An individual raises concerns on the arrangement of water supply to one single premises, the genuine intention of the proposed water main and the potential environmental impact arising from the associated excavation works.”
- 2.6 To avoid future re-occurrence of such inadvertent omission of public comments, PlanD has reminded its officers the importance of incorporating all public comments received into the papers. Subject officers processing the planning applications are also requested to ensure all public comments received have been incorporated into the relevant papers for consideration by the Board and/or its committees.

3. **Planning Considerations and Assessments**

- 3.1 As there is no change to the planning circumstance, the planning considerations and assessments recommended to the Committee on 8.11.2024 in paragraphs 11.1 to 11.3 of the Paper at **Annex F-II** remain relevant. Taking into account the four public comments including the two OPCs, paragraph 11 of the Paper is updated with additions in ***bold and italics*** as follows:

“ 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 (***not maintained by the Government***) 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 66.5m²) 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 ***environmental*** impacts. In this regard, DAFC, ***DEP*** and CE/MN of DSD have no adverse comment on the application from nature conservation, ***environment*** and drainage perspectives respectively.
- 11.3 The Site is located along an existing paved footpath. The proposed development, which is small in scale (about 66.5m²) without tree felling, is considered not incompatible with the surrounding areas. Other relevant government departments consulted including C for T and CTP/UD&L of PlanD have no objection/no adverse comment on the application from traffic and landscape perspectives respectively.
- 11.4 ***The supportive comments are noted. Regarding the public comment raising concerns on the application, the planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant. ”***

4. Planning Department’s Views

- 4.1 Based on the updated planning considerations and assessments in paragraph 3 above and taking into account the public comments as mentioned in paragraph 2.5 above, PlanD maintains its previous view of having no objection to the application.
- 4.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.11.2028, 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.

Advisory Clauses

The suggested advisory clauses are at Appendix III of **Annex F-II**.

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

5. Decision Sought

- 5.1 The Committee is invited to further consider the application, taking into account the public comments received including the two OPCs and the updated planning assessments, and decide whether to grant or refuse to grant planning permission.
- 5.2 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.
- 5.3 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.

6. Attachments

Annex F-I	Email from an Individual dated 9.11.2024
Annex F-II	RNTPC Paper No. A/YL-PN/81
Annex F-III	The Two OPCs on Application No. A/YL-PN/81

**PLANNING DEPARTMENT
NOVEMBER 2024**