

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL/275

- Applicant** : Drainage Services Department (DSD)
- Site** : Government Land, Shan Pui Ho East Road, Yuen Long, New Territories
- Site Area** : 365m² (about)
- Land Status** : Government Land (GL)
- Plans** : Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/24 (YL OZP) (about 98.1%); and

Approved Nam Sang Wai OZP No. S/YL-NSW/8 (NSW OZP) (about 1.9%)
- Zonings** : “Residential (Group E)1” (“R(E)1”) (about 53.3%) and areas shown as ‘Nullah’ (about 21.3%) and ‘Road’ (about 23.5%) on the YL OZP; and
[“R(E)1” zone restricted to a maximum plot ratio of 5, a maximum site coverage of 60% for the lowest two floors (excluding basement(s)) and 30% for the floors above, and a maximum building height (BH) of 85mPD]

“Other Specified Uses” annotated “Pumping Station” (“OU(Pumping Station)”) (about 1.3%) and area shown as ‘Nullah’ (about 0.6%) on the NSW OZP
- Application** : Proposed Public Utility Installation (Dry Weather Flow Pumping Station (DWFPS)) and Minor Relaxation of Site Coverage (SC) Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed public utility installation (DWFPS) with minor relaxation of SC restriction from 60% to 89% (i.e. +48%) (**Plan A-1**). According to the Notes of the YL OZP for the “R(E)1” zone, ‘Public Utility Installation’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Based on individual merits of a development proposal, minor relaxation of the SC restriction may be considered by the Board. The covering Notes of the YL OZP also states that all uses or developments within areas

shown as ‘Nullah’ and ‘Road’ on the YL OZP require planning permission from the Board. According to the Notes of the NSW OZP for the “OU(Pumping Station)” zone, ‘Public Utility Installation (Pumping Station only)’ is a Column 1 use which is always permitted. The Site is current vacant and does not involve any previous application (**Plans A-2 and A-4**).

- 1.2 The proposed DWFPS, with a design capacity of 18,000m³/day, will form part of DSD’s dry weather flow interception (DWFI) system at the revitalised Yuen Long Nullah by intercepting the polluted dry weather flow of the nullah to the Yuen Long Effluent Polishing Plant for treatment. Apart from the DWFPS, the rest of the Site will be used as open area for maintenance at the ground level (G/F) and a footpath for public access (**Drawings A-1 and A-6**). Plans showing the site layout, floor plans, sections/elevations, landscape proposal and photomontage submitted by the applicant are at **Drawings A-1 to A-7** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

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| Site Area | About 365m ² |
| Total Gross Floor Area (Non-domestic) | About 432.8m ² |
| SC | 50% for the whole site (89% within the portion zoned “R(E)1”) |
| Height of DWFPS | 7.5m (1 storey atop 2 levels of basements) |
| No. of Parking and Loading/Unloading (L/UL) Space | 1 (for medium goods vehicle) |

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 4.2.2021 (**Appendix I**)
 - (b) Supplementary Planning Statement (**Appendix Ia**)
 - (c) Further information (FI) received on 12.3.2021 providing responses to departmental comments and clarifying background information of the application (**Appendix Ib**)
 - (d) FI received on 17.3.2021 clarifying background information of the application (**Appendix Ic**)
[(c) and (d) exempted from publication and recounting requirements]

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and FIs (**Appendices Ia to Ic**). They can be summarised as follows:

- (a) The DWFPS will alleviate the odour nuisances faced by the residents along Yuen Long Nullah. Also, the downstream ecologically sensitive Shan Pui River and Inner Deep Bay would benefit from the improved water quality. The layout of the DWFPS has been optimised in view of the irregular shape of the Site, constraints of the existing box culvert within the Site, and the L/UL and access requirements.
- (b) The feasibility of locating the proposed DWFPS to the nearby area has been reviewed, including construction of the proposed DWFPS in the open area of the adjacent site, and upgrading works inside the existing Yuen Long Kau Hui Sewage Pumping Station. The schemes are not feasible as there is a large difference in the inlet pipe invert levels, the capacity of existing pumping stations is not enough, there is not enough space for the construction of extra wet wells in the existing pumping stations due to congested existing underground structures and utilities, the underground structures and utilities at the open area of adjacent pumping station limit the constructability of the proposed pumping station, and the open area of adjacent pumping station is now serving as the maintenance access of the existing pumping stations. There is also no other available GL adjacent to and downstream of the nullah suitable for the DWFPS.
- (c) The Site is situated in an area of industrial urban landscape character occupied mainly by industrial buildings and residential blocks. The proposed height is the minimum required under the ceiling to accommodate the overhead crane for lifting up of the pumps onto the G/F for maintenance. The proposed pumping station is considered compatible with the surrounding area.
- (d) Landscaping designs are proposed at the Site, including bamboo planting, vertical greening and groundcover planting on roof floor, to enhance the landscape quality of the environment. Also, suitable façade colours and finishes have been selected to complement the existing surrounding environment and increase the amenity value. A new additional 1.6m-wide footpath for public use between the proposed DWFPS and the nullah together with shrub planting proposed within the site boundary would provide a better streetscape public space (**Drawings A-1 and A-6**).
- (e) An Environmental Permit (EP) under the Environmental Impact Assessment Ordinance (EIAO) has been granted for the proposal in September 2020. The proposal will have minimal environmental (including noise, odour, water and air quality), ecological, traffic, landscape, visual, geotechnical and drainage impacts on the surrounding area.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

4. Previous Application

The Site is not subject to any previous application.

5. Similar Application

There is no similar application on the subject zonings on the OZPs.

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

6.1 The Site is:

- (a) located at the northern fringes of Tung Tau Industrial Area on the eastern banks of the Yuen Long Nullah;
- (b) accessible from Lau Yip Street; and
- (c) currently vacant and fenced off.

6.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) to its east across Lau Yip Street is a high-rise residential development (i.e. Twin Regency) and to its southeast and south are vehicle service and industrial uses within the subject “R(E)1” zone on the YL OZP;
- (b) to its northeast is the Yuen Long Kau Hui Sewage Pumping Station located across the junction of Lau Yip Street and Shan Pui Ho East Road on the subject “OU(Pumping Station)” zone of the NSW OZP. The village houses of Shan Pui Chung Hau Tsuen are situated to its further northeast within an area zoned “Residential (Group D)1” on the NSW OZP; and
- (c) to its west across the nullah is an area zoned “Village Type Development” on the YL OZP.

7. Planning Intention

7.1 The planning intention of the “R(E)” zone is primarily intended for the phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated,

new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

- 7.2 According to the Explanatory Statement of the OZP, to provide flexibility for innovative design, minor relaxation of the development restrictions may be considered by the Board through the planning permission system.

8. Comments from Relevant Government Departments

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

Land Administration

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

The Site falls on GL. Should planning permission be given to the proposed development, the project proponent will need to apply to her department for a government land allocation (GLA). The GLA will be considered upon receipt of formal application to her department but there is no guarantee that the application will be approved. Such application, if received by her department, will be considered by her department acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions as may be imposed by her department.

Traffic

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

- (a) If the proposed run-in/out is agreed by Transport Department (TD), the applicant should provide the run in/out at Lau Yip Street in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) It is understood that TD will not take up the management responsibility of the proposed footpath on the western side of the Site along the nullah. His department will not take up the maintenance responsibility of the same.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) He has no comment from noise, air quality, waste and land contamination perspectives.
- (b) It is noted that there would be vegetation involved in landscape in operation phase. Should there be application of pesticides and agrochemicals during operation phase, the applicant shall include proper measures to minimise water quality impact to the watercourse nearby as far as practicable.
- (c) The applicant is reminded to follow the Environmental Protection Department's (EPD's) requirements of Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans Subject to Comment by the EPD".

Urban Design and Landscape

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

Urban Design

- (a) Considering the small scale of the development and the prepared visual mitigation measures (including green roof, architectural design treatment etc.) recommended in the Landscape and Visual Impact Assessment (**Appendices Ia and Ib**), the proposed development is not likely to generate adverse visual impacts on the surrounding environment.

Landscape

- (b) With reference to the aerial photo of 2019 (**Plan A-2**), the Site is situated in an area of industrial urban landscape character with mainly industrial buildings to the south, Yuen Long Kau Hui Sewage Pumping Station to the northeast, residential buildings to the east and Yuen Long Nullah to the west. The Site is hard paved and vacant. No existing tree is observed within the Site. The proposed development is not incompatible with the landscape character of the surrounding area.
- (c) According to the Supplementary Planning Statement, at-grade planting, vertical greening and green roof are proposed. Significant landscape impact arising from the proposed development is not anticipated.

8.1.5 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) He has no comment from architectural and visual point of view.
- (b) It is noted that the proposed DWFPS consists of a single storey (about 10.41mPD) building with two levels of basement, which may not be incompatible with the adjacent “R(E)1” zone with BH restriction of 85mPD permitted in the YL OZP.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The applicant should be reminded of the detailed comments at **Appendix III**.

Building Matters

8.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The proposed work is located on GL, he is not in a position to comment under Buildings Ordinance.

District Officer's Comments

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

His office has not received any comment from the village representatives in the vicinity regarding the application.

8.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Mainland North, DSD (CE/MN, DSD);
- (b) Commissioner for Transport (C for T);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (e) Project Manager (West), CEDD (PM(W), CEDD);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

9. Public Comment Received During Statutory Publication Period

On 19.2.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual objecting the application on the grounds that the proposal is excessive in scale, incompatible with the surrounding area and there are adverse visual, ecological, hygiene and environmental impacts on the surrounding area (**Appendix II**).

10. Planning Considerations and Assessments

- 10.1 The applicant seeks planning permission for proposed public utility installation (DWFPS) at a site mainly zoned “R(E)1” and partly shown ‘Nullah’ and ‘Road’, as well as minor relaxation of SC restriction from 60% to 89% (i.e. +48%) for the “R(E)1” zone. The planning intention of the “R(E)” zone is primarily for the phasing out of existing industrial uses through redevelopment (or conversion) for residential use. While the proposed DWFPS is not entirely in line with the planning intention of the “R(E)” zone, the proposed public utility installation is an integral part of the DWFI system of the Yuen Long Nullah, which would help improve the current condition of the nullah by alleviating existing odour nuisance and improving water quality of the downstream ecologically sensitive Shan Pui River and Inner Deep Bay.
- 10.2 While the applicant also seeks minor relaxation of SC restriction from 60% to 89% (+48%) for the area within the “R(E)1” zone, the overall SC of the proposed DWFPS is only about 50% of the entire Site. According to the Explanatory Statement of the YL OZP, to provide flexibility for innovative design, minor relaxation of the development restrictions within the “R(E)” zone may be considered by the Board through the planning permission system. In this regard, the applicant mentioned that the layout of the proposed DWFPS has been optimised taking into account the irregular shape of the Site. A number of landscape and architectural design measures have been incorporated as part of the proposal, while the western fringe of the Site would be designated for a new 1.6m-wide footpath to enhance public accessibility along the nullah (**Drawing A-1**). CTP/UD&L, PlanD is of the view that given the small scale of the proposal, the proposed landscape design and the visual mitigation measures, adverse visual and landscape impact from the proposed development is not anticipated. CA/CMD2, ArchSD also has no adverse comment on the proposal and considers that the proposal may not be incompatible with the adjacent area.
- 10.3 Relevant government departments, including C for T, DEP, CE/MN, DSD and DAFC, have no objection to/no adverse comment on the application. Adverse traffic, environmental, drainage and ecological impacts on the surrounding areas are not envisaged. Besides, given the proposal is a Designated Project under the EIAO with EP granted, the public concerns over the potential environmental, ecological and visual impacts of the proposal, as well as other potential associated impacts, would be duly monitored under the EIAO regime.

- 10.4 There is one public comment received on the application during the statutory publication period as summarised in paragraph 9 above. The planning considerations and assessment in paragraphs 10.1 to 10.3 above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment summarised in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.3.2025, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval condition

the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

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

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. Attachments

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| Appendix I | Application Form with Attachments received on 4.2.2021 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix Ib | FI received on 12.3.2021 |

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| Appendix Ic | FI received on 17.3.2021 |
| Appendix II | Public Comment Received During the Statutory Publication Period |
| Appendix III | Recommended Advisory Clauses |
| Drawing A-1 | Site Layout Plan |
| Drawings A-2 and A-3 | Floor Plans |
| Drawing A-4 | Section Plan |
| Drawing A-5 | Elevation Plan |
| Drawing A-6 | Landscape Proposal |
| Drawing A-7 | Photomontage |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
MARCH 2021**