規劃署
Planning Department
Hong Kong
西貢及離島規劃處
Sai Kung and Islands
District Planning Office

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By Fax (2587 7068)

16 January 2014

Masterplan Limited
Room 3516B, 35/F,
China Merchants Tower, Shun Tak Centre,
200 Connaught Road Central,
Hong Kong
(Attn.: Mr. I.T. BROWNLEE)

Dear Mr. BROWNLEE,

Proposed Rezoning of Sites to Facilitate the Implementation of The Government's Integrated Waste Management Policy for Hong Kong
(Application No. Y/I-SKC/1 under s.12A of the Town Planning Ordinance)

I refer to your s.12A application submitted to the Secretary of Town Planning Board dated 11.11.2013.

The application has been circulated to concerned Government departments for comments. Attached please find the comments which we have received for your reference **(Appendix I)**.

If you intend to make response to the comments or provide further information to supplement the application, please let me have the information as soon as possible. In making the submission for the further information, you may wish to make reference to the Town Planning Board Guidelines (TPB PG-No.32) which is available for public inspection at the website of the Town Planning Board (www.info.gov.hk/tpb).

Yours sincerely,

(Ms. Donna TAM)
for District Planning Officer/Sai Kung and Islands
Planning Department

Internal
Site Record
DT/KC

Appendix I

Environmental Protection Department

1. Comments of the Infrastructure Planning Group, Environmental Protection Department (EPD):

Rezoning of SKC Site (Site 5) for Marine Park

(a) object to the proposed rezoning of of "OU(IWMF)", "OU(Seawall)" and "OU(Breakwater)" on the SKC OZP No. S/I-SKC/2 to "OU(Marine Park)". This proposal will seriously delay the implementation of the Integrated Waste Management Facilities (IWMF) Phase 1 which is one of the strategic backbone waste management infrastructure for Hong Kong to significantly reduce the volume of 3,000 tonnes municipal solid waste (MSW) each day and to recover energy from the waste treatment process for beneficial uses;

(b) the IWMF project has undergone careful and detailed planning process. In April 2002, the Government invited local and overseas companies to propose waste treatment technologies for the development of IWMF in Hong Kong. An Advisory Group on Waste Management Facilities (AG) and five sub-groups were formed to oversee the evaluation of the submissions received. The AG, chaired by the Permanent Secretary (Environment), was made up of non-officials, including academics, professional bodies, green groups and business sectors. Its main role was to assist and advise the Government in selecting the most appropriate technologies based on environment, technological, social and economical as well as consumer considerations. It also recommended criteria for site selection for the IWMF;

(c) in December 2005, the Government published a Policy Framework for the Management of MSW (2005-2014) (the Policy Framework). The Policy Framework sets out a comprehensive waste management strategy encompassing initiatives on waste avoidance at source, waste recovery and recycling as well as bulk reduction of waste requiring disposal. One of the initiates is to reduce the volume of waste requires disposal and to conserve the landfill space by developing IWMF, by which the volume of waste remaining after thermal treatment process would be about 10% of the original;

(d) in order to identify a suitable location for IWMF, a detailed site selection exercise was completed by EPD in 2008 under the study "Site Search for Integrated Waste Management Facilities in Hong Kong for MSW". The study initially covered all suitable government sites throughout the territory. Based on the recommendation by the AG, 23 types of areas were excluded from the preliminary site selection. They included country parks, marine parks and marine reserves, conservation areas, as well as residential and commercial areas etc. After taking into account the environmental, ecological, planning, transport, technology/engineering, economic and social considerations and out of the government sites considered, 21 sites were selected initially and then eight potential sites at Tseung Kwan O (TKO), Tuen Mun, Tuen Mun Port near Black Point, Ha Pak Nai, Tsang Tsui Ash Lagoons (TTAL), Shek Kwu Chau (SKC) and Lamma Island (Ha Mei Wan and Ex-Lamma Quarry) were shortlisted for further assessment. Finally, the study recommended two potential sites, namely (i) an

artificial island near SKC, and (ii) TTAL in Tuen Mun for further engineering and Environmental Impact Assessment (EIA) studies. The Legislative Council (LegCo) Panel on Environmental Affairs was informed of the study results on 29.1.2008;

(e) in November 2008, EPD commissioned a consultancy study "Engineering Investigation and Environmental Studies for IWMF Phase 1 – Feasibility Study (Agreement No. CE 29/2008 (EP))" to examine the EIAs, engineering assessments, transportation of waste and ash, project opportunities, constraints and interfacing issues, implementation programme, expenses and costs, and procurement options of the above-said two potential sites for the first IWMF. The said consultancy study suggested to form an artificial island off SKC by reclamation near the south-western coast of SKC, with breakwaters protecting the berth area and water basin of the IWMF from strong winds and waves. As part of the consultancy study, the EIA study had been carried out in accordance with the requirement of the EIA Ordinance (EIAO) (Cap. 499). According to the findings of the EIA Report, with implementation of appropriate mitigation measures, construction and operation of the IWMF both on the artificial island near SKC and the TTAL site will be environmentally acceptable. Having considered the spatial distribution of waste management facilities, environmental factors and transport efficiency, in February 2011, the Government announced the selection of the artificial island next to SKC as the site for IWMF Phase 1;

(f) all statutory procedures for developing IWMF Phase 1 have been completed. The EIA Report was approved by the EIAO Authority on 17.1.2012 and an environmental permit (EP) for developing the IWMF Phase 1 at the artificial island site near SKC was issued on 19.1.2012. After considering the representations and comments received on the draft SKC Outline Zoning Plan (OZP) in its meeting held on 17.1.2012, the Town Planning Board (TPB) decided not to uphold the representations. On 13.3.2012, the Chief Executive in Council authorized the proposed reclamation works for the IWMF Project under the Foreshore and Seabed (Reclamation) Ordinance (FS(R)O) and approved the draft OZP under the Town Planning Ordinance (TPO);

(g) a Judicial Review (JR) was filed against IWMF in 2012, challenging the decisions on approval of the EIA report, the issue of the EP and the approval of the OZP. However, the Court handed down the judgment in July 2013 in favour of the Director of Environmental Protection, and upholding the approval of the OZP;

(h) the latest policy of the Government still reaffirms the importance and need to develop the IWMF Phase 1 on the artificial island near SKC. The "Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022" (the Action Blueprint) promulgated in May 2013, sets out the goal of transforming Hong Kong's waste management structure to 55% recycling, 22% landfilling and 23% incineration by 2022. The IWMF Phase 1 is an essential measure to achieve this target. The Action Blueprint recognises that there are major inadequacies in Hong Kong's existing waste infrastructure. To fill the gaps, the Blueprint sets out that we should develop adequate infrastructure that mainly involves waste-to-energy facilities, including the IWMF near SKC as soon as possible and commits to apply for funding for the IWMF in 2013-2015;

(i) the recent views expressed by the Integrated Waste Management Action Group are similar to those received before and have been duly addressed in the above statutory procedures;

(j) it is considered there is no need to rezone SKC into a marine park, as the current proposal of developing IWMF at an artificial island near SKC would not impact adversely on the environment and ecology of the area and his office has already proposed development of new marine park in the area (i.e. the water between SKC and the Soko Islands) which would enhance the marine ecology there. It should be noted that the current IWMF proposal would not touch the Island of SKC (which has been identified as area for conservation) hence the ecology of this island would be conserved. In addition the IWMF EIA has assessed and confirmed that with appropriate mitigations, the IWMF proposal would not result in adverse environmental and ecological impacts to the SKC areas. The mitigation would include establishing a marine park of about 700 hectare in the waters between SKC and the Soko Islands. This marine park would have beneficial synergetic effect with the planned marine park to be developed at the Soko Islands;

Rezoning of NENT Landfill (Site 1) for IWMF

(k) objects to the application for rezoning of the NENT Landfill and its extension site from "OU(Landfill)" to "OU(Landfill/IWMF)". It is unclear which part of the NENT Landfill and its extension is proposed for development of the IWMF. There is no information about how the IWMF development might affect the existing NENT Landfill or its extension's operation, and how it might affect the development of the proposed NENT Landfill extension that forms an integral part of the Hong Kong's waste management strategy;

(l) the possibility of developing new waste treatment facilities on the existing landfill sites has been considered and assessed in previous studies and site search exercises. Given the topography of the NENT Landfill and its extension after restoration, it is expected that very little suitable spare land with level terrain will be available at the landfill site for siting any structures for waste facility. Also, the waste mass, in particular the slopes, are vulnerable and not capable of supporting buildings or superstructures with substantive loadings, rendering the development of any new waste treatment facilities at the landfill or its extension not feasible. In addition, landfill gas hazard is one of the major safety concerns to house any IWMF because of the very high temperature of the IWMF during its burning operation;

Rezoning of Area 137 TKO (Site 2) for IWMF

(m) on paragraph 10.10 of the application about visual impact, we reckon that IWMF with tall stack has considerably greater potential visual impact on the facilities of deep water front industry that could be low lying without tall stack, given that the major residential districts (at east Hong Kong and in Southeast New Territories) are not far away and they face the site directly. Visual impact of low lying facilities are generally more easily mitigated, such as by landscape screening etc;

Rezoning of Northeast Lantau (Site 3) for IWMF

(n) Hong Kong Disneyland (HKDL) and Discovery Bay (a major residential cluster) is less than 1km and about 3 km away from Site 3 respectively and are right at the downwind (of the most prevailing Northerly and Easterly wind in Hong Kong) locations, environmental and public concerns are major issues which have not been addressed in the application. In addition, the waste transportation logistics and traffic impacts due to the proposed IWMF have not been addressed in detail. The site also involves man-made cavern development, the feasibility is yet to be confirmed. Couple with the possible need for reclamation, implementation time for Site 3 would be longer;

WENT Landfill (Site 4)

(o) since the Sludge Treatment Facility is being built at the east ash lagoon, that area should not be zoned as "OU(Landfill/IWMF). In addition, the configuration of the portion at the middle ash lagoon is different from EPD's proposed IWMF and cannot accommodate our proposed plant of 3000 tonnes per day (tpd) capacity;

Summary

(p) the comprehensive site search study for the IWMF Phase I was completed in 2007-2008, the EIA was approved in January 2012 under the EIAO, and the TPB was briefed in February 2011 and considered the draft OZP on 8.4.2011. The project went through the statutory consultations under the EIAO from 17.2.2011 to 16.3.2011, and from 18.11.2011 to 17.12.2011, as well as under the TPO from 29.4.2011 to 29.6.2011. TPB considered the objections on 17.1.2012 and decided not to uphold the representations. After considering the objections, on 13.3.2012, the CE in C authorized the proposed reclamation works for the IWMF Project under the FS(R)O and approved the draft SKC OZP under TPO. Various views and issues put forth were considered and deliberated before. The Government has reaffirmed the need for developing IWMF Phase I near SKC. There is no ground to re-open all the issues again;

Other Detailed Comments

(q) the application states that its proposed IWMF would include a range of facilities for MSW management, including sorting systems, composting plants and a waste to energy plant as a last resort. However it is not clear what the total treatment capacity of the proposed IWMF would be. The application has mentioned that the waste-to-energy plant of the IWMF could be of 1500 tpd capacity;

(r) the Government has already identified numerous sites for new MSW management facility developments, including the artificial island near SKC and TTAL sites for IWMF; 3 different sites for Organic Waste Treatment Facilities (OWTF) development; and developing community recycling centres in all the districts etc. The application's comparison of its 4-site proposal with only the SKC IWMF site (proposed by the EPD) is not appropriate. Furthermore, the application's proposed 4th site at WENT landfill is quite similar to TTAL site which adjoins the

WENT landfill and identified by EPD for potential IWMF development in 2008. EPD has already carried out the engineering and EIA studies for the Tsang Tsui site, hence is far more advanced with great details than the application's proposal for a site at WENT landfill;

(s) the applicant's claim that its proposal would enable quicker commissioning of IWMF is made without substantiation. A crude assessment indicates even with smooth progress (e.g. no JR), it takes some 10 years from now to commission the IWMF at the applicant's proposed sites (see breakdown below):

- to determine the exact scope of works for each site, PWP procedures and consultant selection - 1.5 years
- engineering and EIA study - 2.25 years (assume no JR)
- Planning/ rezoning process - 1.2 year (assume no JR)
- fund application - 0.25 year
- Prequalification and tendering -1.5 year
- construction and commissioning - 3.25 years (assume no dredging and reclamation)
- total: 9.95 years

That is, even if the application is approved, commissioning the IWMF at the application sites would be in 2024 at the earliest, which is much slower than the site near SKC. EPD's current programme is to commission the IWMF at the site near SKC in 2021/22, assuming funding approval in mid 2014;

(t) the claim that the application would provide certainty for implementation is also without substantiation. On the contrary, given that no engineering and environmental assessments have been done and the public is largely unaware of the applicant's proposal, there is considerable uncertainty in terms of engineering feasibility, environmental acceptability, public acceptability and legal risk (e.g. JR);

(u) paragraph 9.3 of the application alleges that the Government has not explained how it will utilize the energy produced from the waste-to-energy facility. This is not true. It also said sites for the required laying submarine cable should not be considered. This is not necessary. As explained and illustrated in the IWMF EIA report, submarine cable laying could be constructed fairly rapidly (6 km in about 20 days) and the environmental impacts could be controlled to acceptable levels with appropriate mitigation measures; and

(v) paragraph 9.6 of the application said area at some less sensitive area, say the fringe of Green Belt (GB) can be considered. Although not expressed in an explicit manner, this effectively means that area within the GB but near the GB boundary is less sensitive and can be considered for IWMF. This is not in line with the recommendation of the AG (comprised members mainly from non-government bodies) made in 2005 that GB, amongst others, should not be used for IWMF development. It is highly doubtful that developing IWMF within GB would be acceptable to the public, particularly the green groups.

2. Comments of Waste Facilities Group/EPD:

(a) it is noted that the proposed Site 4 occupies the northern part of the east and middle ash lagoons. The portion at the east ash lagoon is in fact the location of our Sludge Treatment Facility currently being built and should not be zoned as "OU(Landfill/IWMF)". The configuration of the portion at the middle ash lagoon is different from EPD's proposed IWMF and cannot accommodate our proposed plant of 3000 tonnes per day capacity.

3. Comments of the Director of Environmental Protection (DEP):

(a) currently, there are 2 potential sites for development of the IWMF. They are TTAL site in Tuen Mun and an artificial island near SKC. The latter is the Site 5 mentioned in the current application which has been earmarked in the current SKC OZP for this purpose. The environmental acceptability for TTAL and SKC sites have been established in the EIA report "Engineering Investigation and Environmental Studies for Integrated Waste Management Facilities Phase 1 – Feasibility Study: EIA Report", which was approved under the EIAO with conditions on 17.1.2012 (Register No. AEIAR-163/2012);

(b) the proposed regional IWMFs at Sites 1, 2 and 3, are Designated Projects under the EIAO (Cap 499) and their environmental acceptability has to be established through the statutory EIA process. At the moment, the environmental acceptability of using these sites for an IWMF has not been established. Furthermore, there is no information on the potential environmental impacts and their evaluation which are necessary for EPD to comment on the proposed rezoning from an environmental perspective;

(c) the TTAL site is in fact part of Site 4 shown in Figure 20 of the Applicant's Planning Statement. Hence, it seems that the Applicant has erroneously marked the proposed IWMF site as "Proposed Sites for Other Waste Management Facilities". Clarifications from the Applicant is required on whether their proposed Site 4 is the same as TTAL site; and

(d) as Site 4 is not a subject site of the current s.12A application, we shall not comment on this site in the context of the current s.12A application. However, the Applicant proposes that an OZP be prepared to cover the area from Black Point to Nim Wan and to zone the landfill site as "OU" annotated "Landfill/IWMF" to facilitate implementation of the IWMF policy. On this aspect, we consider it more appropriate for PlanD to decide whether to prepare a new plan. We shall offer our view if a plan is indeed under preparation.

Lands Department (LandsD)

4. Comments of District Lands Officer/North:

(a) no comment on the application from the district land administration point of view and presumes that relevant government departments will comment on the feasibility of the implementation of the proposed IWMF in the NENT Landfill in terms of safety, traffic and environmental aspects.

5. Comments of District Lands Officer/Sai Kung:

(a) Site 2 is on Government land and part of it is currently under a temporary land allocation (TGLA) to CEDD (TSK 692) for "Fill Bank" use up to 31.12.2018 and the remaining portion of Site 2 is under another TGLA to CEDD (TSK 745) for "Sorting Facility and works area for the sorting operation of construction waste" up to 31.3.2019. TSK 692 and TSK 745 are subject to 3 and 6 months' notice of cancellation respectively.

6. Comments of District Lands Officer/Islands:

(a) the proposal is considered not acceptable under the Deed of Restrictive Covenant (DRC) between the Hong Kong International Theme Park Limited (HKITPL) and the Government;

(b) the southern part of Site 3 covers a road and a "Government, Institution or Community" ("G/IC") site, which planning intention is to serve the needs of visitors and hotel guests and subject to the maximum building height of 15m above mean formation level. The proposed development will block the access road to HKDL Phase 2 and Phase 3 sites which HKITPL has been granted certain rights including an option and right of first refusal for future expansion of HKDL; and

(c) no comment from land point of view regarding Site 5.

7. Comments of District Lands Officer/Tuen Mun:

(a) it is noted that the Site 4 – WENT Landfill is not a subject of the application. In the rezoning proposal, the applicant proposes that the TPB should prepare an OZP to cover the area from Black Point to Nim Wan and zone the landfill site as an "OU(Landfill/IWMF)" site to facilitate implementation of the IWMF Policy. He has the following comments/observations from the land administrative perspective.

(b) as far as from the land status point of view:

(i) the edged red area marked "Existing WENT Landfill" on Figure 20 of the planning statement comprises EPD's existing WENT Landfill site (held under a permanent GLA-TM 287), Drainage Services Department's Marine Reception Area in connection with EPD's disposal of sludge in WENT Landfill (held under a permanent GLA-YL 254) and part of Tsing Shan Firing Range. It is advised to consult EPD if such boundary/area demarcation is appropriate as such area as marked encroaches onto Tsing Shan Firing Range under the purview of Security Bureau; and

(ii) the proposed WENT Landfill Extension and the proposed sites for other Waste Management Facilities as shown coloured yellow and grey respectively on Figure 20 of the planning statement affect EPD's existing Tuen Mun Sludge Treatment Facility (held under GLA-TM461), Castle Peak Power

Company Ltd's Tsang Tsui PFA Lagoon (held under two licences for a term up to 30.6.2047), a few government land licences, short term tenancies, private lots and unleased and unallocated government land;

(c) it is advised to consult Highways Department and/or Civil Engineering and Development Department about the proposed Nim Wan Road Realignment Works Limit as shown on Figure 20 of the planning statement; and

(d) please note that the Food and Health Bureau (FHB)/Food and Environmental Hygiene Department (FEHD) has proposed a columbarium and garden of remembrance at the location within the area shown coloured yellow on Figure 20 of the planning statement. It is advised to consult FEB/FEHD in this respect and take into account Government's proposed/planned development proposals, including the columbarium and garden of remembrance, when Planning Department proceeds with OZP making in respect of this geographical area.

Transport Department (TD)

8. Comments of the Commissioner for Transport (C for T):

(a) the application cannot be supported at this stage from a traffic engineering perspective; and

(b) a Traffic Impact Assessment (TIA) should be conducted for each of the proposed sites, the scope of which should be agreed by the Transport Department, in support of the proposed land use;

(c) for Site 3 (NE Lantau), areas reserved as roads for future development of NE Lantau should be maintained and should not be affected; and

(d) for Site 4, since the proposed IWMF shall attract/generate extra trip rates and induce traffic impact to the adjacent road networks, a comprehensive TIA to access the effect of the proposed developments on the local road networks in the Study Area and its vicinity should be necessary.

Civil Engineering and Development Department (CEDD)

9. Comments of the Head of Geotechnical Engineering Office (H(GEO), CEDD:

Site 1

(a) the site is overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. If manned facilities are to be considered, a natural terrain hazard study and suitable hazard mitigation measures, if found necessary, may be required as part of the development;

Site 2

(b) the rezoning should not prevent or restrict in any way the possible use of any waterfront site in TKO 137 for use by Government as an explosives unloading pier, including any necessary road or marine access;

Site 3

(c) regarding the proposal to develop a rock cavern at Site 3, it should be advised that the previous study on Enhanced Use of Underground Space in Hong Kong under Agreement No. CE 66/2009 (GE) has concluded that the site is of medium to high suitability for cavern development. Therefore, he has no in-principle objection to the rezoning proposal for this site. The Site is overlooked by steep natural terrain and a drainage line, and meets the Alert Criteria for a Natural Terrain Hazard Study (NTHS). If the proposal proceeds to the development stage, a NTHS and suitable mitigation measures, if found necessary, should be carried out as part of the development;

Site 4

(d) his comments are on the proposed zoning for the captioned site, as shown coloured red for existing WENT Landfill and coloured yellow and yellow hatched brown for WENT Landfill Extension of the enclosed planning statement;

(e) it is noted that the Site 4 had not yet been covered by an OZP;

(f) necessary arrangements should be made to ensure that the project will not be subject to or pose an unacceptable landslide risk to the public throughout its design life (Reference: ETWB TCW No. 29/2002);

(g) the geotechnical stability of all permanent geotechnical works relating to slopes and retaining walls which could affect or be affected by development or re-development under the project, or if their failure could affect lives and property within or outside the site under the project, should be assessed (Reference: ETWB TCW No. 29/2002, and PAH Chapter 4); and

(h) the site is overlooked by steep natural hillsides and meets the Alert Criteria for a Natural Terrain Hazard Study (NTHS). For future development in the area, the developers may be required to carry out a NTHS and provide suitable hazard mitigation measures, if found necessary, as part of the development.

10. Comments of the Chief Engineer/Port Works, Civil Engineering Office (CE/PW), CEDD

No comment on the proposal to develop rock cavern for Site 3.

11. Comments of the Chief Engineer/Fill Management (CE/FM), CEDD:

(a) objects to the application; and

(b) Site 2 is within the TKO Area 137 Fill Bank (TKOFB) currently operated by CEDD under temporary government land allocation. The site encroaches the reception and exist office, tipping hall, vertical seafront and stockpiling area of TKOFB so that the operation and the handling capacity of TKOFB will be greatly affected.

Drainage Services Department (DSD)

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

(a) the subject Section 12A application is not supported by Drainage and Sewerage Impacts Assessment. Should the application be approved, a drainage proposal for the site to ensure that it will not cause adverse drainage impact to the adjacent area should be submitted to DSD satisfaction;

Site 1

(b) the application from non government organization may disrupt government's plans for NENT Landfill extension. It's questionable whether TPB should consider the subject application which the applicant may not capable of implementing and seriously undermines government's privilege in drawing up waste management policies;

(c) EPD should be consulted regarding the sewerage planning and sewage disposal aspects of the proposal (e.g. SIA by project proponent subject to view of EPD, etc.);

Site 4

(d) he has no objection in principle to the proposal regarding Site 4 from public drainage point of view;

(e) the project department of the IWMF and the landfill extension should be reminded that sufficient drainage facilities should be provided in order not to aggravate the drainage conditions in the surrounding area; and

(f) EPD, the planning authority of sewerage infrastructure, should be consulted regarding the sewage treatment/disposal facilities for the subject proposal and whether Sewerage Impact Assessment is required to be carried out for any proposed works, e.g. Landfill Extension/IWMF.

13. Comments of the Chief Engineer/Hong Kong & Islands (CE/HK&Is), DSD):

Drainage Reserves (DRs), including a 12m-wide DR, are present within Site 3 to protect existing underground drainage facility, including a 3-cell box culvert, intakes, outfalls and drain pipes. The applicant should be reminded of such. Moreover, the existing outfall may affect the proposed berth area.

Water Supplies Department (WSD)

14. Comments of the Chief Engineer/Development(2) (CE/Dev(2)), WSD:

(a) he has no comment on the rezoning proposal (Site 1);

(b) it should be reminded that the quality of effluent to be discharged from the site shall comply fully at all times with standards for effluents stipulated in Table 3 and Paragraph 8.4 of the "Technical Memorandum on Effluent Standards"

issued under Section 21 of the Water Pollution Control Ordinance;

(c) no objection to the application (Site 2);

(d) the project proponent should note that the proposed Tseung Kwan O Desalination Plant in Area 137 is a Potentially Hazardous Installation (PHI). He has no comment on the proposed S12A Rezoning Planning Application (Site 2 only) provided that the proposed facilities and rezoning will not impose any restriction and impact on the construction, operation and maintenance, and planning zoning of our desalination plant;

(e) there are some existing water mains within Site 3. Suitable reprovisioning arrangement may be necessary; and

(f) the existing fresh water supply system in the vicinity of Site 4 at WENT Landfill is now working to its maximum capacity, there is at present no more spare capacity. If there is a need to provide water supply from WSD's water mains, the applicant is required to provide him information such as detailed demand assessment for portable water and flushing water, an estimated annual water demand build-up trend covering the period from initial completion to full development, etc.

Buildings Department (BD)

15. Comments of the Chief Building Surveyor/NTW, BD:

Site 1

(a) no objection in principle to the proposed use on the application site under the Buildings Ordinance and would like to draw the attention of the applicant to the following:

i. before any new building works are to be carried out on leased land, prior approval and consent from BD should be obtained, otherwise they are unauthorized building works (UBW). An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

ii. in connection with the above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R 5 and 41D respectively; and

iii. if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage.

16. Comments of the Chief Building Surveyor/NTE1&L, BD:

Sites 3 and 5

(a) before any new building works are to be carried out on the sites, the prior approval and consent from the Building Authority should be obtained, otherwise

they are unauthorized building works. The permissible site coverage and plot ratio for individual site for private developments should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R) upon formal submission of building plan to BD;

(b) access to the site should be clarified under Regulation 5 of B(P)R. The land status of the adjoining lands, footpath, street etc. should be clarified upon building plan submission;

(c) the proposal should be provided with Emergency Vehicular Access, Site Access and Means of Escape to street, and may need to be resolved with Fire Services Department (FSD) and LandsD upon building plan submission;

(d) the Sustainable Building Design Guidelines set out in PNAP APP-152 should be implemented in the OZP, otherwise they may only be implemented in the plan approval stage under the Buildings Ordinance (BO) when the proposed building developments claim GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/ non-essential plant rooms and services from GFA and/or site coverage calculations); and

(e) detailed comments under the BO on individual sites for private developments such as permissible plot ratio, site coverage, emergency vehicular access, private streets and/or access roads, open space, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the building plan submission stage.

Marine Department

17. Comments of the Director of Marine:

Sites 2 and 4

(a) No comments.

Site 3

(b) the proposed IWMF site at Pa Tau Kwu is close to the existing anchorages. The potential marine impacts at construction and operational stages of the proposed site shall be assessed in details;

(c) the applicant shall clarify whether the proposed "marine park" is the one under the Marine Parks Ordinance (Cap. 476); and

Site 5

(d) from marine traffic point of view, any proposals of marine parks shall not pose any unacceptable marine restrictions and impacts to the existing and future marine traffic in the area. They shall not affect the operations and development of the existing and future marine facilities in the area. The proposed "marine park" is very close to the recommended Traffic Separation Schemes (TSS) to the south and north of SKC which are frequently used by high speed ferries plying between Hong Kong and Macau/Mainland ports. In this regard, the design of the proposed marine park shall not affect the relevant TSS and the marine traffic

using the TSS.

Electrical and Mechanical Services Department

18. Comments of the Director of Electrical and Mechanical Services (DEMS):

Site 1

(a) he has no comment on the proposed zoning amendment from the electricity safety point of view; and

(b) on gas safety aspect, there are an intermediate pressure synthetic natural gas pipeline running along Wo Keng Shan Road and a gas metering station located within Site 1. In this connection, the project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing or planned gas pipe routes/gas installations in the vicinity of the NENT Landfill and the minimum set back distance away from the gas pipes/gas installations if any excavation work is required during the design and construction stages of future development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes;

Site 2

(c) No particular comment on the proposed rezoning;

Site 3

(d) part of Site 3 is reserved for the development of electrical substation. Without affecting the electricity supply to customers, early consultation with CLP Power is suggested as suitable reprovisioning arrangement of the concerned electricity supply facilities may be necessary; and

Site 4

(e) based on the information provided by the applicant, the subject site is close to Black Point Power Station and nearby 400kV overhead lines (OHL) & pylons of CLP Power. As far as electricity supply safety and reliability are concerned, early consultation with CLP Power may be necessary to ensure that the proposed rezoning amendment would not affect the operation & maintenance of the Power Station and nearby electricity supply facilities (e.g. OHL);

(f) Site 4 is located in the vicinity of Black Point Power Station. There is a natural gas facility at the power station. The facility is classified as a Notifiable Gas Installation (NGI) under the Gas Safety Ordinance. CLP had conducted a risk assessment to ascertain that the risk levels posed by the NGI to the surrounding land uses are within acceptable limits. The proposed IWMF may increase the risk levels due to additional populations. The project proponent will be required to contact CLP to review the risk assessment to ascertain that the risk levels to the surrounding land uses are still confined to within acceptable limits.

Innovation and Technology Commission

19. Comments of the Commissioner for Innovation and Technology:

(a) the establishment of an IWMF near the Tseung Kwan O Industrial Estate (TKOIE) will seriously affect the working environment of the existing factories there. These factories include data centres, food processing plants, television broadcasting operators, telecom and transmitter installations and other servicing industries; and

(b) possible adverse air quality, odour, increased traffic of refuse trucks, etc will affect the operations of these high-tech industries, most of which are environmentally sensitive. This situation would also be undesirable for new industries wishing to establish their business in the TKOIE.

Tourism Commission

20. Comments of the Commissioner of Tourism (C for Tourism):

(a) Site 3 is immediately adjacent to HKDL Phase 2 site. The Government has been in discussion with the Walt Disney Company and Hong Kong Disneyland Management Limited on the development plans for the Phase 2 site upon the existing Phase 1 site is fully built out. The installation of an IWMF at Site 3 will lead to significant impact on Site 3's development potentials as a theme park and the land value of Site 3. This will bring financial implications to the Government in terms of the value of the Phase 2 site and future commercial return of the theme park thereat;

(b) the proposed IWMF is in the vicinity of the Phase 1 site of HKDL which would bring negative impact on the guests' experience at the existing theme park; and

(c) the proposal may be in breach of the DRC.

Home Affairs Department (HAD)

21. Comments of the District Officer/North (DO/N), HAD:

the Ta Kwu Ling District Rural Committee and the local community will be agitated by the application for zoning amendment as reflected by their objection to landfill extension. The proposal may not be mature enough for local consultation before Government departments offer their comments on the rezoning proposal.

22. Comments of the District Officer/Islands (DO/Is), HAD:

Site 5 encroaches upon area for the proposed development of IWMF Phase 1. We acknowledge that EPD's views have been separately sought. DO/Is has no other comments on the application.

Antiquities and Monuments Office (AMO)

23. Comments of AMO, Leisure and Cultural Services Department (AMO, LCSD):

no comment on the application regarding Site 4. Nevertheless, the Tsang Tsui Site of Archaeological Interest is situated within Site 4. In accordance with the Environmental Permit No, EP-393/2010 issued under EIAO (Cap. 499) in 2010, an Archaeological Action Plan is required before the commencement of the WENT Landfill Extension Project. In this connection, the project proponent is reminded to fulfill the requirements as required under the EIAO.