

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

**APPLICATION NO. A/YL-SK/260**

<b><u>Applicants</u></b>	: Universal Property Investment Limited and Uni-Link Property Investment Limited represented by Creative Engineers & Partners Limited
<b><u>Site</u></b>	: Lots 300 S.T and 300 S.U in D.D.112, Lin Fa Tei, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	: 289.1 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	: “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
<b><u>Application</u></b>	: Proposed Utility Installation for Private Project (Electricity Transformer Room) (with Excavation of Land)

**1. The Proposal**

- 1.1 The applicants seek planning permission to construct an electricity transformer room at the site (the Site) (**Plan A-1**). Excavation of land by 1.5m in depth is proposed at the area where the proposed electricity transformer room sits on within the Site (about 56.88 m<sup>2</sup>) (equivalent to about 19.7% of the Site) (**Plan A-2**). According to the Notes of the OZP, the proposed electricity transformer room, which is considered as a ‘utility installation for private project’, being a Column 2 use within “R(D)” zone and excavation of land for the said use require planning permission from the Town Planning Board (the Board) (**Plan A-1**). The Site is currently vacant and is not the subject of any previous planning application (**Plan A-2**).

- 1.2 According to the applicants' submission, the site area involved is 289.1m<sup>2</sup>. A single-storey electricity transformer room with a total floor area of 56.88 m<sup>2</sup> (6.545 m x 8.69 m) (equivalent to a plot ratio of about 0.2) and a building height of 5m is proposed at the Site to supply electricity to serve 35 proposed New Territories Exempted Houses (NTEH) at the eastern side of Lin Fa Tei mainly within the adjoining "Village Type Development" ("V") zone (**Drawing A-2**). The Site is directly accessible from Kam Sheung Road. The proposed development is anticipated to be completed by June 2021. The layout plans, elevations and NTEHs location plan submitted by the applicants are at **Drawings A-1 and A-2**.
- 1.3 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 19.6.2019 (**Appendix I**)
  - (b) Further Information (FI) received on 5.8.2019 (**Appendix Ia**)
  - (c) FI and replacement pages received on 12.8.2019 (**Appendix Ib**)

## 2. Justifications from the Applicant

The justifications put forth by the applicants in support of the application are detailed in **Appendices I, Ia and Ib**. They are summarized as follows:

- (a) In view of the growing demands, the proposed electricity transformer room is considered necessary to provide efficient and stable power supply to serve the 35 proposed NTEHs at the eastern side of Lin Fa Tei, following a discussion with China Light Power Hong Kong Limited (CLP).
- (b) The old type electricity supply system with the external electrical poles will be replaced by the new system with underground cables. It can greatly reduce the possibility of overloading the power supply system, especially when there are high demands for electricity from air-conditioners in summer or from instant heat water devices in winter.
- (c) The Site is a suitable location for electricity transformer room as it is owned by the Applicant, currently vacant, and readily available for the proposed electricity transformer room. It is immediately next to the Kam Sheung Road, where existing CLP cables are located. It allows convenient transportation and can easily be accessed by fire engines. In addition, the Site is located close proximity to the 35 proposed NTEHs.
- (d) As confirmed by CLP, CLP will be responsible for the maintenance of the electricity transformer room. No ingress/egress and loading/unloading bay are required for the maintenance and operation of the electricity transformer room, and only temporary access may be required for maintenance once every few years. No significant additional traffic will be induced.

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

The applicants are the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site is not the subject of any active planning enforcement case.

**5. Previous Application**

There is no previous application in respect of the Site.

**6. Similar Application**

There is no similar application for utility installation for private project (electricity transformer room) use within the same “R(D)” zone on the OZP.

**7. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)**

7.1 The Site is:

- (a) mainly paved with some grasses above, fenced off and vacant; and
- (b) directly accessible from Kam Sheung Road.

7.2 The surrounding areas are rural in character predominated by residential dwellings/structures, open storages yards and unused/vacant land.

- (a) to its immediate east and south are unused/vacant land and some open storages yards;
- (b) to its southwest and west are residential dwellings/structures (e.g. Hoi Tong Garden) with open storages yard and unused/vacant land; and
- (c) to its immediate north is Kam Sheung Road, and to further north are residential dwellings/structures, open storages yards, unused/vacant land and plant nursery.

## **8. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

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

- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) the Site is accessible from Kam Sheung Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) the Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within the SKAHRA.
- (d) should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Excepted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

9.1.2 Comments of the Commissioner for Transport (C for T):

he has no comment on the application considering that there is neither parking provision nor vehicular access to the Site and the induced traffic impact is minimal, as indicated by the applicant.

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

- (a) there is and will be no vehicular access from/to the Site.
- (b) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Electricity Supply**

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

- (a) he has no comment on the application as far as electricity supply safety and reliability are concerned.
- (b) the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be observed by the applicants and their contractors when carrying out works in the vicinity of electricity supply lines.

### **Drainage**

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

- (a) he has no objection in-principle to the proposed development from the public drainage point of view.
- (b) should the application be approved, the conditions requiring the submission of a drainage proposal and implementation of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval.
- (c) the applicants are reminded to maintain all the drainage facilities on Site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely

affect existing natural streams, village drains, ditches and the adjacent areas, etc.

### **Water Supplies**

9.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

he has no objection to the application, and his detailed comments are at **Appendix III**.

### **Fire Safety**

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

- (a) he has no objection in-principle to the proposal subject to water supplies for firefighting and fire service installations (FSIs) being provided to his satisfaction.
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) the Emergency Vehicular Access (EVA) provision at the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations 41D which is administered by the Buildings Department.

### **Health Aspect**

9.1.8 Comments of the Director of Health (D of Health):

according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities.

**Building Matters**

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

- (a) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (b) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (d) 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 Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

**District Officer's Comments**

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

he has not received any comments from locals upon close of consultation and he has no particular comments on the application.

9.2 The following Government departments have no objection/comment on the application:

- (a) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (b) Director of Environmental Protection (DEP);
- (c) Project Manager (West), Civil Engineering and Development Department (PM (W), CEDD); and
- (d) Commissioner of Police (C of P).

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

On 28.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.7.2019, one public comment from an individual was received (**Appendix II**). The commenter raised suggestion on addition of solar panel on the transformer room to generate electricity and queries on low site utilization and visual impact of the electricity transformer room.

## **11. Planning Considerations and Assessment**

- 11.1 The application is for a proposed electricity transformer room, with excavation of land by 1.5m in depth at part of the Site. The Site falls within an area zoned “R(D)” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). The planning intention of “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low density residential developments subject to planning permission from the Board. According to the applicant, the proposed electricity transformer room is to supply electricity to serve 35 proposed NTEHs at the eastern side of Lin Fa Tei mainly within the adjoining “V” zone. Noting its purpose to serve the neighbourhood with electricity supply, the proposed development is considered not in conflict with the planning intention of the “R(D)” zone.
- 11.2 Given its small scale with one single-storey structure of about 5m in height with a total floor area of about 56.88 m<sup>2</sup> only, the proposed electricity transformer room is considered not incompatible with the surrounding area which is in rural character predominated by residential dwellings/structures, open storages yards and unused/vacant land (**Plan A-2**). The Site is currently paved and vacant. Taking into account the nature and relatively small scale of the proposed development, it is not expected to cause any significant adverse impact on the surrounding environment. Concerned departments consulted, including C for T, CHE/NTW of HyD, DEMS, CE/MN of DSD, D of FS and CTP/UD&L of PlanD, have no objection to/adverse comments on the application. To address the technical requirements of D of FS and CE/MN of DSD, relevant approval conditions are recommended in paragraph 12.2 (a) and (b) below.
- 11.3 According to the applicant, the Site is a suitable location for electricity transformer room as it is owned by the Applicant, currently vacant, and readily available for the proposed electricity transformer room. It is immediately next to the Kam Sheung Road, where existing CLP cables are located. It allows convenient transportation and can easily be accessed by fire engines. In addition, the Site is located close proximity to the 35 proposed NTEHs.
- 11.4 One public comment was received raising suggestion and queries as stated in paragraph 10 above. The planning considerations and assessment as stated in paragraphs 11.1 and 11.2 are relevant.



## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10, 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 16.8.2023, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the proposed development is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission to justify a departure from the planning intention; and
- (b) approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

## 13. Decision Sought

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

**14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 19.6.2019
<b>Appendix Ia</b>	FI received on 5.8.2019
<b>Appendix Ib</b>	FI and replacement pages received on 12.8.2019
<b>Appendix II</b>	Public Comment
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan and Elevations
<b>Drawing A-2</b>	NTEHs Location 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  
AUGUST 2019**