

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

**APPLICATION NO. A/SK-CWBN/46**

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 227, Pik Shui Sun Tsuen, Sai Kung, New Territories
- Site Area:** About 277m<sup>2</sup>
- Land Status:** Government Land
- Plan:** Approved Clear Water Bay North Outline Zoning Plan (OZP) No. S/SK-CWBN/6
- Zonings** “Conservation Area” (“CA”) (56.14%)  
“Village Type Development” (“V”) (37.78%)  
“Green Belt” (“GB”) (6.08%)
- Application:** Proposed Public Utility Installation (Underground Cables) and Excavation and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed public utility installation (underground cables) and associated excavation of land and filling of land at the application site (the Site). The proposal includes laying three 380V underground cables of 240m, 17m and 20m respectively and associated excavation of land with area of about 277 m<sup>2</sup> and depth of 1m. The cable trench will be backfilled to original ground level. The Site falls within an area partly zoned “CA”, partly zoned “V” with minor portion zoned “GB” (6.08%) on the approved Clear Water Bay North OZP No. S/SK-CWBN/6 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Public Utility Installation’, excavation of land and filling of land within the “CA” zone require planning permission from the Town Planning Board (the Board).
- 1.2 In support of the application, the applicant has submitted Application Form dated 31.1.2018 and letter dated 5.2.2018 providing replacement pages at **Appendix I**.
- 1.3 The location and section plans submitted by the applicant are shown in

**Drawings A-1 and A-2.**

**2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form in **Appendix I**. They can be summarized as follows:

- (a) residents in Pik Shui Sun Tsuen were affected by a loss of electricity when Typhoon Haima entered Hong Kong on 21.10.2016;
- (b) the proposed development would reduce the electricity supply restoration time in case of faults on overhead line (OHL) thus improve the supply security;
- (c) the applicant has considered upgrading existing underground cables and pole-mounted transformer. As they have reached the rating limit, such upgrade is not feasible. Provision of another power source is preferred; and
- (d) new underground cables laid under existing concrete carriageway would bring minor impact to existing landscape of the environment. No visual impact would incur after the underground cable laying works.

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

As the Site involves government land only, the “owner’s consent/notification” 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) are not applicable to the application.

**4. Previous Application**

There is no previous application at the Site.

**5. Similar Application**

There is no similar application in the vicinity of the Site.

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

6.1 The Site covers the sideway of existing tracks connecting Pik Shui Sun Tsuen and Chuk Kok Road.

6.2 The surrounding areas have following characteristics:

- (a) to its east and northeast are village houses of Pik Shui Sun Tsuen;

- (b) to its south is the “Government, Institution or Community (5)” site planned for development of private hospital; and
- (c) to its north is the Pik Shui Sun Tsuen Rest Garden and vegetated slopes.

## 7. **Planning Intention**

The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. 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. **Comments from Relevant Government Departments**

8.1 The following government departments have been consulted and their views on the application are summarized as below:

### **Land Administration**

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) she has no objection to the application;
- (b) the application of Excavation Permit (XP) for carrying out the proposed works was submitted by the applicant on 5.1.2017. The XP has been issued by his office on 25.4.2017 under which the applicant is required to consult the Planning Department for the area within “CA” and “GB” zones. The permit expired on 25.2.2018. DLO/SK is now processing CLP’s application for extension of time for 6 months and approval for extension of time will be given to CLP; and
- (c) the Site is located on unleased Government land. As License and Permit Line 108/10/02III is affected, the Licensee concerned should be consulted prior to the commencement of works.

### **Traffic**

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

she has no comment on the application from traffic engineering viewpoint. The Site is not managed by Transport Department, the applicant should seek comments/agreement of the owner or relevant management/maintenance authorities.

## **Landscape**

### 8.1.3 Comments of the CTP/UD&L, PlanD:

- (a) he has no objection to the application from the landscape planning point of view;
- (b) the Site is located on a local road abutting slopes with some existing trees and groundcovers. The proposed Public Utility Installation involves site formation and excavation on the hard paved road/area. The existing vegetation will be maintained and significant landscape impact arising from the proposed use is not anticipated. Nevertheless, although there is no vegetation within the site boundary, the extent of site formation falls within the crown spread of some existing trees to be preserved, which is generally considered as the tree protection zones. The applicant is advised to make slight adjustment on the excavation/site formation alignment away from the tree protection zones;
- (c) should the Committee approve the application, the following landscape condition is recommended:

*the submission and implementation of tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and*

- (d) the applicant is also reminded to follow “Guidelines on Tree Preservation during Development” issued by Greening, Landscape and Tree Management Section of Development Bureau. Presumably, for the preservation of the surrounding vegetation and associated reinstatement works, relevant clauses will be included in the concerned land grant/permits under LandsD’s purview.

## **Drainage**

### 8.1.4 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

he has no objection to the application from drainage and sewerage maintenance perspective.

## **Nature Conservation**

### 8.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the proposed underground cables will be laid along existing concrete roads and no trees would be affected. He has no comment on the application from the nature conservation perspective.

## **Water Supply**

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

- (a) he has no objection to the application; and
- (b) existing water mains are affected by the proposed public utility installation. The applicant is required to either divert or protect the water mains found on the Site:
  - (i) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the proposed public utility installation (underground cables) to lie in government land. A strip of land minimum 1.5m in width should be provided for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to be borne by the applicant; and the applicant shall submit all relevant proposal to WSD for consideration and agreement before the works commence;
  - (ii) if diversion is not required, the following conditions shall apply:
    - existing water main(s) are affected and no development which requires resiting of water main(s) will be allowed;
    - details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
    - no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
    - no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
    - no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
    - tree planting may be prohibited in the event that the DWS

considers there is any likelihood of damage being caused to water main(s).

### **Geotechnical**

8.1.7 Comments of the Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD):

- (a) he has no in-principle objection on the application;
- (b) proposed trench/pit openings are located near existing slopes/retaining walls. The proposed openings would appear to pose a threat to the slope/walls if extreme care and control is not exercised in the planning, design, construction or supervision of the works. The applicant is required to pay attention to the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by Highways Department and CEDD which provides good technical guidelines on trench excavation. Besides, the applicant is required to note the following particulars:
  - (i) excavation at the slope crest should not be opened up during the wet season unless unavoidable;
  - (ii) design of trench above slopes should take into consideration of potential land flooding and performance of land drainage in the vicinity;
  - (iii) adequate trench drainage measures against water ingress should be provided (e.g. upstand, sandbags, protective aprons, pumps, etc.);
  - (iv) any voids/gaps/leakage areas surrounding the trench should be promptly rectified to avoid water ingress or leakage;
  - (v) the trench support wall should be installed ahead of excavation if such excavation is critical to the stability of slope adjacent to the trench; and
  - (vi) it is not desirable to have the whole length of a long trench opened up at any one time, even with support. Excavations should be in sections of shortest practical length; and
- (c) the trench/pit is recommended to be backfilled with fine fill material in accordance with the specification and standard of Section 6 of the General Specification for Civil Engineering Works (CEDD, 2006 or as amended or updated).

### **Risk Aspect**

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

he has no particular comment on the application from electricity supply safety aspect. The applicant should be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

#### 8.2 The following government departments have no comment on /no objection to the application:

- (a) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (b) Chief Building Surveyor/NTE2&Rail, Buildings Department (CBS/NTE2&Rail, BD);
- (c) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Director of Fire Services (D of FS);
- (f) Director of Environmental Protection (DEP); and
- (g) District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD).

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

On 9.2.2018, the application was first published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.3.2018, no public comment was received on the application.

### **10. Planning Considerations and Assessments**

10.1 The application is to seek planning permission for proposed public utility installation (underground cables) and associated excavation of land and filling of land within an area partly zoned “CA” on the OZP. The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There is a general presumption against development within the “CA” 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. The proposed underground cables are essential installations to fulfil the electricity demand and ensure power supply security for the village development at Pik Shui Sun Tsuen.

- 10.2 The Site is located along the existing village access road. There is no tree within the Site. Landscape impact arising from the proposal is not anticipated. CTP/UD&L of PlanD has no objection to the application and suggests that an approval condition requiring the submission and implementation of tree preservation proposal could be incorporated. DAFC has no comment on the application from the nature conservation perspective.
- 10.3 In view of the small scale of the proposed developments, no adverse traffic, drainage, sewerage, environmental and geotechnical impacts on the surrounding areas are anticipated. Relevant government departments including C for T, CE/MS of DSD, DEP and H(GEO) of CEDD have no comment on/no objection to the application.
- 10.4 There is no public comment received during the statutory publication period.

## **11. Planning Department's Views**

- 11.1 Based on the assessment made in paragraph 10, 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 16.3.2022, 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 submission and implementation of tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

### Advisory Clauses

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

- 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 advisory clauses, 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**

<b>Appendix I</b>	Application Form dated 31.1.2018 and letter dated 5.2.2018 providing replacement pages
<b>Appendix II</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Section 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 and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2018**