

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

**APPLICATION NO. A/SK-CWBS/28**

- Applicant:** CLP Power Hong Kong Limited represented by Kum Shing (K.F.) Construction Company Limited
- Site:** Government Land in D.D. 230, Siu Hang Hau, Sai Kung, New Territories
- Site Area:** About 37m<sup>2</sup>
- Land Status:** Government Land
- Plan:** Approved Clear Water Bay South Outline Zoning Plan (OZP) No. S/SK-CWBS/2
- Zoning** “Conservation Area” (“CA”)
- Application:** Proposed Public Utility Installation (Pole with Transformer and Underground Cable) and Excavation and Filling of Land

**1. The Proposal**

1.1 The applicant seeks planning permission for proposed public utility installation (pole with transformer and underground cable) and associated excavation and filling of land at the application site (the Site). The proposal includes the installation of a 10m high pole with a mounted transformer and a 33m long 11,000V underground cable. The proposed excavation of land for erecting the pole is about 4m<sup>2</sup> (2m x 2m) with a depth of 2m and laying underground cable of about 33 m<sup>2</sup> (33m x 1m) with a depth of 1m. The cable trench will be backfilled to ground level. The Site falls within an area zoned “CA” on the approved Clear Water Bay South OZP No. S/SK- CWBS/2 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘public utility installation’ and excavation 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 the documents:

- (a) Application form and attachments received on (**Appendix I**) 31.1.2018, and replacement pages received on 6.2.2018;
- (b) Further Information enclosing a Tree Survey Report (**Appendix Ia**)

- received on 8.5.2018 (*not exempted from publication*);
- (c) Further Information enclosing a revised layout plan (**Appendix Ib**) showing minor changes in cable alignment received on 3.8.2018 (*exempted from publication*); and
  - (d) Further Information enclosing an Updated Tree Survey (**Appendix Ic**) Report and Response to Comments received on 4.9.2018 (*not exempted from publication*).
- 1.3 The location plan, section plan, typical layout of pole and Tree Location Plan submitted by the applicant are shown in **Drawings A-1 to A-4**.
- 1.4 On 16.3.2018 and 6.7.2018, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months and one month respectively, as requested by the applicant, to allow time for preparation of Further Information (FI) in response to comments from government departments. On 8.5.2018, 3.8.2018 and 4.9.2018, the applicant submitted FIs as detailed in paragraph 1.2 above. The application is scheduled for the consideration by the Committee at this meeting.

## **2. Justifications from the Applicant**

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

- (a) in order to ensure sufficient electricity supply to Siu Hang Hau, a pole-mounted transformer is proposed as there is not enough space for construction of a package substation;
- (b) there is no suitable location with sufficient clearance distance between the pole-mounted transformer and village houses within the “V” zone, thus it is proposed to be mounted within the “CA” zone; and
- (c) erecting the pole-mounted transformer and laying underground cable is the best method that fulfils the future electricity demand with the least impact to the environment and public.

## **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 Applications**

- 5.1 There are 3 similar applications for proposed public utility installation in the vicinity on the OZP (**Plan A-1**).
- 5.2 Applications No. A/SK-CWBS/16, 29 and 30 all for proposed public utility installation (underground cables) and excavation and filling of land within areas zoned “V”, “GB” and “CA” to the west of the Site were approved by the Rural and New Town Planning Committee (“the Committee”) on 31.10.2014, 16.3.2018 and 15.6.2018 respectively mainly on the grounds that the proposed works are essential ancillary facilities providing electricity to the public; the proposals are the only technically feasible alignment; no trees are found on the proposed alignment; and no adverse impacts are anticipated.
- 5.3 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

## **6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and Photos in Plan A-4)**

- 6.1 The Site is located along the sidewalk of Siu Hang Hau Road and a footpath.
- 6.2 The surrounding areas have following characteristics:
- (a) to the north and east are village houses of Siu Hang Hau; and
  - (b) to the west, south and southwest are vegetated slopes within the “CA” zone.

## **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) no objection to the application;
- (b) the relevant excavation permit (XP) for the proposed works was issued on 29.5.2017 under which the applicant is required to consult Planning Department as the Site falls within an area zoned “CA”; and
- (c) the proposed installation and excavation works fall on unleased government land. As Government Land Licence No. S12040 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):

- (a) no comment from traffic engineering viewpoint; and
- (b) as Siu Hang Hau Road is not managed by the Transport Department, the applicant should seek comments / agreement of the owner or relevant management/maintenance authorities.

### **Landscape**

8.1.3 Comments of the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD):

- (a) she has no objection to the application from the landscape planning point of view;
- (b) having reviewed the revised site boundary, the excavation / site formation alignment has already set back from the existing trees;
- (c) the Site is relatively small in area (approx. 37m<sup>2</sup>) while the proposed land excavation works would require approval / granting of excavation permit and other approval from concerned government departments (such as LCSD/LandsD, regarding reinstatement of roadside amenity planting, if any be affected) i.e. under other effective administrative control on government land already in place. Hence, it is considered not necessary to recommend inclusion of any

landscape related condition in case the Board approves the application; and

- (d) the applicant is reminded to follow “Guidelines on Tree Preservation during Development” issued by the Greening, Landscape and Tree Management Section of the 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.

### **Nature Conservation**

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

He has no further comment on the Further Information (**Appendix Ic**) provided by the applicant.

### **Geotechnical**

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

- (a) he has no geotechnical comments on the application; and
- (b) the applicant is required to make submissions to the GEO of CEDD as laid down in Environment, Transport and Works Bureau Technical Circular (Works) No. 29/2002.

### **Risk Aspect**

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

he has no particular comment on the application. The Electricity Supply Lines (Protection) Regulation and its related “Code of Practice on Working near Electricity Supply Lines” shall be observed and complied with by the applicant and his contractors, when they carry out the works in the vicinity of electricity supply lines.

### **Health**

8.1.7 Comments of the Director of Health (D of H):

- (a) since electrical installations and facilities are not under the purview of the Department of Health, he is not in a position to comment on site selection issues or issues related to the installation or operation

of electrical facilities; and

- (b) according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extreme 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 applicant must ensure that the installation complies with the ICNIRP guidelines or other established international standards. The WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities.

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

- (a) Antiquities and Monuments Office, Development Bureau;
- (b) Chief Engineer (Works), Home Affairs Department;
- (c) Chief Highway Engineer/New Territories East, Highways Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Building Surveyor/NTE2 & Rail, Buildings Department;
- (f) Chief Engineer/ Construction, Water Supplies Department;
- (g) Director of Fire Services; and
- (h) District Officer/Sai Kung, Home Affairs Department.

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

On 9.2.2018, 15.5.2018 and 11.9.2018, the application and the FIs received on 8.5.2018 and 4.9.2018 were published for public inspection. During the three weeks of the statutory public inspection periods, which ended on 2.3.2018, 5.6.2018 and 2.10.2018 respectively, one public comment was received from the World Wide Fund For Nature Hong Kong (**Appendix III**). The commenter raises concern on possible tree felling and vegetation clearance for the proposed works, and adverse ecological impacts to the “CA” zone.

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

10.1 The application is to seek planning permission for proposed public utility installation (pole with transformer and underground cable) and excavation and filling of land within an area zoned “CA” on the approved Clear Water Bay Peninsula South 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 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. The

proposed installations and associated works are essential facilities to provide electricity to the Siu Hang Hau area.

- 10.2 The Site is located along the existing sidewalk of Siu Hang Hau Road and a nearby footpath with no vegetation or tree cover. In view of the small scale of the proposed development, it is not anticipated to result in adverse traffic, environment, water supply, drainage, sewerage and landscape impacts on the surrounding areas. Relevant government departments have no objection to or no comment on the application.
- 10.3 The public comment received is mainly on the possible impact on existing landscape resources. In this regard, the assessment in paragraph 10.2 above is relevant.

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

- 11.1 Based on the assessment made in paragraph 10 and taking into account the public comment 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 2.11.2022, 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 advisory clauses at **Appendix IV** are also suggested for Member's reference.
- 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 and advisory clauses 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 and attachments received on 31.1.2018, and replacement pages received on 6.2.2018
<b>Appendix Ia</b>	Further Information enclosing a Tree Survey Report received on 8.5.2018
<b>Appendix Ib</b>	Further Information enclosing a revised layout plan showing minor changes in cable alignment without a change in site area received on 3.8.2018
<b>Appendix Ic</b>	Further Information enclosing an Updated Tree Survey Report received on 4.9.2018
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public comment received
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Section Plan
<b>Drawing A-3</b>	Typical Layout of Pole
<b>Drawing A-4</b>	Tree 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  
NOVEMBER 2018**